## NAVIGATION LAWS of the UNITED STATES - - 1940

U. S. DEPARTMENT OF COMMERCE Bureau of Marine Jaspection and Navigation



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#### U. S. DEPARTMENT OF COMMERCE

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BUREAU OF MARINE INSPECTION AND NAVIGATION

R. S. FIELD, Director

# NAVIGATION LAWS OF THE UNITED STATES 1940

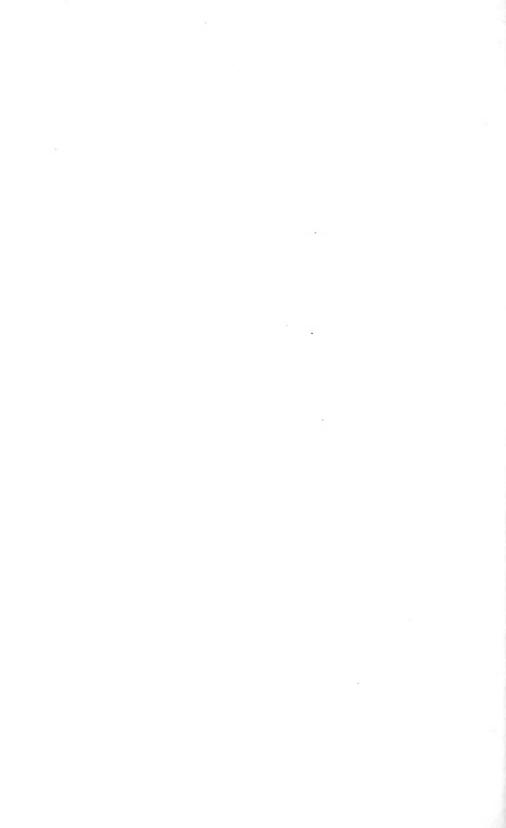
Compiled by

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It is believed that this volume contains all the unrepealed Revised Statutes of the United States, as well as all acts of Congress passed subsequent thereto, pertaining to shipping, up to and including March 1, 1940.

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON: 1940



## R F. WATTERWOL



#### CONTENTS

Chapter I.—Organic Laws Governing		Chapter III.—Admeasurement of vessels	
Department of Commerce	Page		egs,
Datable and at Demonstrate for the	1 age	Measurement   Certificate of particulars as to vessel	25 25
Establishment of Department; Secretary	1	Mode of admeasurement	25 25
Assistant Secretary of Commerce Additional Assistant Secretary of Com-	1	Crew accommodations on vessels built after	20
merce	1	March 4, 1915	26
Chief Clerk and Superintendent	î	Cabins or staterooms excluded from measure-	
Under Secretary of Commerce	2	ment	27
Province and duty	2	Gross tonnage	27
Bureaus in Department	2	Deckhouses, breaks, etc.	28
Transfer of records	$\frac{2}{2}$	Hatchways.	29
Statistical information		Open vessels	29 29
Charges for services	3	Water ballast	29
Special statistical studies on request	3	Net tonnage	30
Disposition of moneys received Rules and regulations; annual reports to Con-	ð	Crew accommodations.	30
gress	3	Deductions for other purposes	30
Annual and special reports	4	Deductions for propelling power.	31
Transfer of duties, power, and authority	4	Register tonnage	32
Merchant vessels; entrance and clearance;		Net (register) tonnage to be marked	32
shipping Remission of fines and penalties	4	Appendix of measurement	32
Remission of fines and penalties	5	Vessels exempt from measurement Measurement of foreign vessels	33 33
Refunding of penalties relating to vessels or	-	Suspension of provisions as to survey, inspec-	00
seamen	5	tion, and measurement	33
		tion, and modern control of the cont	-
Chapter II Organic Laws Governing Bure	au	Chapter IV.—Load Line Acts	
of Marine Inspection and Navigation.		Compact of Moreh 9, 1000	34
-		Scope of act of March 2, 1929 Establishment of load lines	34
Establishment of Duncan	6	Marking lines on vessel and certificate	01
Establishment of Bureau  Change of name of Bureau	6	of approval.	34
Director of Bureau	6	Load lines not to be submerged.	35
Creation of technical staff.	7	Foreign vessels, how affected	35
Supervising inspectors	9	Position of lines and drafts to be entered	
Board of Supervising Inspectors; composition;		in log book Detention of vessel if loaded unlawfully	35
meetings Duties and functions of board	10	Detention of vessel if loaded unlawfully	35 36
Duties and functions of board	11	Penalties Procedure for enforcing	37
Duties of supervising inspectors.	12 13	Coastwise Load Line Act, 1935.	37
Appeal from decisions of local inspectors	13	Vessels loading for or proceeding on coast-	0.
Powers of supervising inspector and Director of Bureau with respect disagreement of local		wise vovage by sea	37
inspectors	14	wise voyage by sea Establishment of load lines	37
Modification of decisions on review	14	Marking lines on vessel and certificate of	
Principal traveling inspectors	14	approval	38
Traveling inspectors	14	Load lines not to be submerged	39
Local inspectors	15	Foreign vessels, how affected	39
Qualifications of local inspectors	17	Position of lines and drafts to be entered in log book.	39
Duties and limitations of local inspectors.	18 19	Detention of vessel if leaded unlawfully.	39
Assistant inspectors; clerksAuthority to detail assistant inspectors	19	Penalties	40
May icena cartificates	19		
May issue certificates Stationery and equipment	20	Chapter V.—Inspection of Vessels	
Overtime compensation	20	General provisions	42
Offenses relating to official duties	21	Vessels of Maritime Commission	42
Penalties for false certification and		Foreign steam passenger vessels	42
acceptance of gratuities	21	Registered foreign-built vessels	43
Penalty for divulging information		President may suspend inspection laws	43
received	21	President may apply inspection laws to Virgin	40
Shipping Commissioners To furnish bond	21 22	Islands	43 44
Offices	22	Authority to promulgate regulations	44
May engage clerks	22	Hulls and equipment	44
To furnish seal	22	Tank vessels	45
Duties	23	Establishment of regulations	45
As arbiter	23	Certificates of inspection	46
May require production of documents	23	Tankerman certificates	47
Collector of customs may act	24	Vessels carrying inflammable or explosive	47
	74	regress nongity	4/

	Page		Page
Name of vessel	48	Vessels on Great Lakes carrying persons not	
Ferryboats, canal boats, yachts, and other	48	passengersLife preservers	86 86
small craft		Carrying explosives; on vessels or vehicles with	
Motor-propelled seagoing vessels of 300 gross		passengers for hire; explosives permitted;	
tons		restrictions, military transportation	87
Seagoing barges.	50	Regulations by Interstate Commerce Com-	
Lifesaving appliances	50	mission; effect	87
Inspection condition precedent to docu-	50	High explosives excluded	88
mentation Penalty for navigating without inspection	<b>50</b>	Marking packages	88
certificate	50	Causing death or injury by illegal transporta-	88
Length of towing hawser	51	International convention for the safety of life	
License of master of towing vessel may be		at sea	89
suspended or revoked	51		
Bollers, propelling machinery, etc.	51	Chapter VI.—Ports of Documentation	
Obstructing safety valves	51	Ports of doggreentation	114
Control of safety valves  Construction of boilers	52 52	Ports of decumentation	114
Punishment for improper construction.	52	Chapter VII.—Documentation of Vessels	
Boiler plates	52		
Detail of inspectors to mills	53	Definition of vessel	116
Stamping boiler plates		vessels of the United States	116
Penalty for counterfeiting		Vessels entitled to registry	116
Maximum working pressure		Foreign-built vessels admitted to American	
Thickness of boiler plate	54	registry	117 117
Use of unapproved instruments, machines, or		Repaired wrecks	117
equipment		Whaling vessels	118
Certificate of inspection		Enrolled and licensed vessels on the coasts and	
Placing of certificate for observation	56	rivers	118
Documentation conditioned upon inspection		Enrolled and licensed vessels on the northern	
Duty of collectors of customs and customs		frontiers, otherwise than by sea.	118
Inspectors; penalty for failure	56	Licensed vessels under 20 tons	118
Penalty for failure to comply with inspection	56	Undocumented vessels Yachts	119 119
Penalty in cases not provided for	57	Yacht commissions	120
Records and reports by local inspectors.		Yacht insignia	120
Reinspections	57	Cruising permits to foreign yachts	120
Penalty for noncompliance with inspection		Licensed yacht required to enter	121
requirements	58	Official number	121
Manning of inspected vessels	59	Name of vessel	121
Minimum number of officers	59 <b>60</b>	"Port" defined Home port	121
Watertight bulkheads Lifesaving appliances.	61	Recordation at home port	122 122
Regulations		Validity prior recordations	122
River steamers	77	"Port of documentation" defined	122
Life boats	77	Navigation laws amended to cenform	123
Life preservers	77	Change of name	123
Fire buckets and axes	77	Fees for change	123
Stairways and gangways	77 78	Authority to take ever vessels of enemy na-	123
Accommodation of deck passengers Penalty for not providing proper accom-		tions.	123
modations	78	Carpenter's certificate	124
Watchmen on passenger steamers	78	Oath of owner.	124
Penalty for failure to keep	78	Penalty for false oath	125
Fire extinguishers	78	Master's oath of citizenship	125
Steering, navigating, and signalling apparatus.	78	Administration of oaths	125
Passenger-carrying barges	78	Place of registry	125
Protection against fire Automatic sprinklers	79 79	Temporary register Surrender of temporary register	126 126
Certificate authorizing vessel to carry gun-		Registry of vessel by agent or attorney	126
powder; posting of	80	Surrender of registry granted agent or attor-	
Dangerous articles prohibited on passenger		ney	126
vessels; gasoline in automobiles.	80	Forfeiture of vessel for false oath by agent	127
Penalty for failure to stop antomobile motor	82	Form of register	127
Penalty for unlawfully carrying cotton or	82	Variation from form	128
Petroleum as means of motive power; dis-	02	Numbering of registers  Blank certificates of registry to be furnished.	128 128
charge at terminal points	82	Issuing of forms	128
Mode of packing daugerous articles	83	Custody and surrender of register	128
Penalty for unlawfully shipping dangerous		Registers to corporations	129
articles Special permit for excursions	83	Corporation, partnership, or association as	
Special permit for excursions	83	citizen; applicability of act to receivers and	
Count or list of passengers.	83	New registry on death corporate officer	129
Penalty for failure to keep Penalties lien on vessel	84 84	Oath by corporate officer or agent of owner	130 130
Penalty for violating provisions as to or in	04	Change of owner of registered vessel	130
certificates	84	Registry on sale abroad	130
Exhibit of laws	84	Registry on sale abroad Change of ownership or build; bill of sale	131
Liability for damage	84	Change of master of registered vessel	131
Transportation of nitroglycerine or oil	84	Recording of sales, conveyances, and mortgages	
Packing and marking	85	of vessels of the United States	131
Regulation by States	85	Conditions precedent to recordation	132 132
Number of passengers allowable	8 <b>5</b>	fuspection of records; certificates of record;	102
Duty of inspectors.	86	fees	133
Penalty for carrying too many passengers	86	Sale to alien	133

	Page		Page
Admission foreign-built vessels to registry;		Persons authorized to procure repairs, supplies,	
penalty for transfer foreign without consent		and necessaries	156
Maritime Commission Penalty for illegal transfer or use of vessel	133 134	Notice to person furnishing repairs, supplies,	150
Restrictions on transfer of shipping facilities	104	and necessaries. Waiver of right to lien.	156 157
during war or national emergency; penaltles.		State statutes superseded	157
Forfcitures	136	Existing mortgages not affected	157
Prima facie evidence	136	Books for collectors of customs.	157
Approvals by Maritime Commission	136	Rules and regulations by Secretary of Com-	157
Documented vessels  Loss of register	136 137	merce	157 157
Surrender of registry obtained on loss of orig-		~	101
inal; penalty	137	Chapter IX Federal Ship Mortgage	
Penalty for failure to deliver former register	137	Insurance	
Penalty for failure to surrender enrollment		Definitions	150
prior to proceeding on foreign voyage Collector's certificate	137 138	Definitions Federal ship mortgage insurance fund	158 158
Deposit of register, sea letter, and passport	138	Authorization of Commission to Insure mort-	100
Penalty for noncompliance	138	gages; limitation on aggregate amount	158
Cancellation of register	138	Insurance of mortgages	159
Qualifications for and method of enrollment		Payment of insurance after default	160
and license. Change of trade; issue of temporary document.	138 139	Insurance of mortgages securing existing loans or refinancing existing mortgages	162
Oath of master and owner	139	Offenses and penalties.	162
Payment of duties on repairs to vessel condi-		Rules and regulations	163
tion precedent to documentation		Appropriations	163
Certification by customs officer	139	Chapter V Officers of Marchant Vessels	
Enrollment outside of district. Inspection of register, enrollment, and license.	140 140	Chapter X.—Officers of Merchant Vessels	•
Form of enrollment	140	Licensing and classification.	164
Enrollment and license consolidated	141	Duration of licenses	164
Form of license	141	Renewal of licenses.	164
Method of numbering licenses, renewal in	140	Exhibition of licenses	165
former name Duration of license	142 142	for refusal to serve	165
Renewal of license; surrender	142	Master's license	165
Exemption from penalty; loss of license	143	Mate's license	165
Return and cancellation	143	Engineer's license	166
Enrollment and license to corporation Authorization to corporate officers		Pilot's license Master or mate acting as pilot	166 166
Renewal of license upon death of corporate	143	Licenses to Indians.	167
officer	143	Licenses to Indians  Certificates of eligibility for licenses to	
officer Change of owner of enrolled vessel	144	Indians	167
Change of master of licensed vessels	144	Oath of officer	167 168
Penalty for undocumented vessel engaging in		Citizenship of master Citizenship of officers	168
trade. Record of American-built vessels owned by	140	Replacement of licensed officer on foreign	100
aliens	145	voyage	169
Certificate of admeasurement	146	voyage Suspension of law by President	169
Form of certificate of record	146	Service durlng war   Naval Reserve membership	169 169
Change of masters of recorded vessels Delivery of certificate of record on entry		Complement of officers.	170
Offenses against the registry law	147	Minimum number of officers	170
Penalty for nonfeasance	147	Removal of master	171
Penalty for fraudulent registry		State pilot regulations; pilot charges	171
Sea letters Penalty for counterfeiting sea letters; Mediter-	148	Assistance to inspectors	171 171
ranean passports; certificates of registry		Watches; hours of labor; legal holidays	172
Offenses against enrollment and license laws	148	Minimum-manning scales; wage scales; work-	
Penalty for nonfeasance	148	ing conditions on subsidized vessels	173
Penalty for forgery and alteration		Living quarters; living conditions; uniforms; on subsidized vessels	173
Penalty for obstructing officers	149	Penalty for fraud	174
Chapter VIII.—Ship Mortgages		Penalty for visiting or frequenting steerage	
		passenger quarters	174
Definitions	150	Officers' competency certificates convention,	175
Sale, conveyance, or mortgage of vessel of the United States; record.	150	Provisions of Draft Convention No. 53	175
Preferred mortgages	150	Reservations by the United States Gov-	1.0
Certified copies of mortgage; exhibition	152	ernment	178
Prior and subsequent maritime liens on mort-		Ratification of treaty	179
gaged vessel Record of notice of claim of lien on mortgaged	152	Enabling act; exceptions Existing laws effective; regulations by	179
vessel; discharge of lien.	152	Board of Supervising Inspectors	179
Conditions precedent to record; interest on	.02	License to be deemed certificate of com-	
preferred mortgage	152	petency	180
Inspection of and copies from records; fees		License required as condition precedent	
Fallure of master to exhibit documents; unlawful acts by mortgagor; liability of collector of		<ul> <li>to employment; issuance without exam- ination; limitations of such license</li> </ul>	180
customs	153	Penalty employment unlicensed person-	200
Lien of preferred mortgage; foreclosure; juris-		nel; for serving without license	180
diction; procedure	154	Collector of customs to enforce; clearance	100
Receiver in foreclosure, possession by marshal	154	may be refused Foreign vessels; refusal of clearance	180 181
Preferred maritime lien; priorities; other liens. Suits in personam in admiralty on default	155 155	Exempted vessels.	181
Surrender of documents; termination of mort-		Regulations by Secretary of Commerce	181
gagee's interest; sale of mortgaged vessel	155	Penalties; remission or mitigation	181
Persons entitled to lien	156	Great Lake vessels exempt	181

	Page		Page
Officers' competency certificates convention.		Watches; hours of labor; legal holidays	202
1936—Continued.		Application to fishing or whaling vessels or	
Definitions	182	yachts	203
Existing statutes unaffected	182	Inspection of crew quarters	203
Effective date	182	Unrigged vessels exempt	203
Vessels of less than 200 gross tons exempt.	182	Citizenship requirements.	203
Registered staff officers; staff department	182	On vessels of the United States	203
Qualifications for registered staff officers.	183	On subsidized vessels	204
Oath of registered staff officers; no further		Penalty for fraud	205
certificate required	183	Secretary of Commerce to enforce act and	
Distinguishing Insignia of registered staff		promulgate regulations thereunder	205
officers	183	Discharge and payment of wages; foreign and	200
Penalty for employing unregistered staff		intercoastal	206
officers; exceptions.	183	Master must furnish wage account	206
Effective date of Section 5 (a)	184	Continuous discharge books and certifi-	200
Penalty for altering certificate of registry.	184	cates of identification	206
Revocation or suspension of certificate of		Exemption for unrigged vessels	209
registry	184	Discharge in foreign ports	209
Exempted vessels Rules and regulations "Vessel of United States" defined	184	Discharge in foreign ports	208
Rules and regulations	184	Penalty for failure of consular officer to	209
"Vessel of United States" defined	184	collect wages; incapacitated seaman	209
		Wages on discharge in case vessel sold	010
Chapter VI Wendland Com-		foreign.	210
Chapter XI.—Merchant Seamen		Wages on justifiable complaint of seaman.	210
D. G. iti.		Agreements as to loss of lien or right to	0.0
Definitions	185	wages	210
Exemption from Militia duty	185	Rules for settlement of wages	211
Seamen's passports	185	Commencement of wages	211
List of citizen seamen	185	Wages not dependent on freight earned	211
Illegal shipments (shanghaiing)	186	Wages terminate upon loss of vessel; trans-	
Unlawful shipments void	186	portation to place of shipment	212
Owners or masters may ship seamen in certain		Right to wages in case of improper dis-	
cases	186	charge	212
Apprentices	186	Seaman's conduct affects right to wages	212
Indenture of apprentice to be produced	187	Time for payment of wages; penalty for	
Shipping articles in foreign and intercoastal		failure to comply  Advances; amount; time; penalty for fail-	212
trade	187	Advances: amount: time: penalty for fail-	
Form of articles	188	ure of master to comply	213
Account of apprentices on board	189	Summons for nonpayment	213
Scale of provisions to be allowed and served	1.70	Libel for wages	213
out to crew during the voyage	189	Libel for wages Wages payable in gold	214
Substitutes	190	Enforcement of forfaitures	214
Rules for shipping articles		Enforcement of forfeitures	217
Exception as to shipping articles	190	Appropriation of wages to costs of convic-	214
Forecastle cord	191	tion	214
Forecastle card	191	Suits by seamen without prepayment or	015
Period of engagement	191	bond for costs	215
Penalty for shipment without agreement.	191	Vessels exempt from libel for wages	215
Penalty for accepting seamen engaged in viola-		Wages and effects of deceased seamen	215
tion of law	191	Duty of master where seaman dies during	
Undermanning	192	Voyage	215
Shipment in foreign ports before consuls	192	Proceedings in regard to effects	215
Penalty for failure to ship before consul-	192	Penalty for neglect of master	216
Period for which seamen signed in foreign port		Duties of consular officer	217
may be shipped	192	Delivery of wages and effects to shipping	
	192	commissioner	217
Crew lists for vessels of the United States:		Shipping commissioner to deliver wages	
conector's duty	193	and effects to district court	217
Production of crew list on return from foreign		Distribution of wages and effects by	
voyage; production of seamen listed	193	district court	217
Rules as to crew list	193	Disposal of unclaimed wages and effects by	1
Exemptions for vessels in coastwise trade	194	district court	218
Shipping commissioner may ship crews for	1	Consul to furnish destitute seamen with sub-	
coastwise or nearby foreign voyages	195	sistence and return passage	218
Shipping articles for coastwise vessels	195	Transportation of destitute seamen to	
Penalty for failure to sign coastwise articles	195	United States; penalty for refusal	218
Penalty for failure of seaman to join vessel after		Rate for transportation of destitute sea-	
signing coastwise articles; for desertion	196	men to United States.	219
Agreement for fishing voyage	196	Duty of consular officer as to insubordination.	220
Penalty for violating agreement	196	Repeal of treaties and conventions	220
Recovery of shares of fish under agreement			221
Discharge of fishing vessel on bond by owner.	197	Arbitration before shipping commissioner	221
Requirements qualifications and regulations	197	Examination of witnesses, log books, etc.,	001
Requirements, qualifications, and regulations		by shipping commissioner	221
as to crews	197	Soliciting seamen as lodgers	221
Certificate of service as afte seamon	198	Log book entries Mode of making entries	221
Record of certificates of service	198	Mode of making entries	222
Muster of crew on motion or information.	199	Penalty for omitting entries	222
Certificate of service as qualified member		Advances and allotments of wages	223
of engine department	200	Wages and clothing exempt from attachment;	
Rules as to certificates of service or effi-	ł	support of seaman's family	224
ciency	200	Limit of sum recoverable during voyage	224
Certificates of service for ratings issued		Offenses and punishments:	
without examination	200	Various offenses; penalties	225
Suspension or revocation of certificates	200	Entry of offenses in log book	225
Penalty for service without certificate	201	Disposal of forfeitures	226
Present freedom of seaman unimpaired	201	Drunkenness or neglect of duty	226
EXCEDITORS to Act June 25, 1936; unrigged	201	Waaring of cheeth brives	227 227
vessels, thus, and tow boate	201	Wearing of sheath knives	
vessels, tugs, and tow boats— "Unrigged Vessel" and "Seagoing Barge"	201	Corporal punishment prohibited	227
defined	20/2	Procedure for recovering of penalties and	007
WVMMUVILENCE CONTROL C	202	forfeitures	227

	Page		Page
Jurisdiction over American seamen in foreign		Master's oath Form of outward manifest	254
ports and foreign seamen in American ports.	228	Form of outward manifest	254
Arrest of seamen; procedure generally	228 229	Export declarations Form of clearance	255
Enforcement of awards of foreign consuls	<b>22</b> 9	State inspection laws.	255 256
Seamen's witness fees	230	Manifests in Alaskan and insular trades	256
Recovery for injury to or death of seaman	230	Bullion and coin	256
Merchant seamen at Panama Canal Zone	230	Permit to touch and trade	256
Inspection of seaworthiness at domestic ports.  Proceedings on examination of vessel	231 231	Penalty against fishing vessel for engaging in foreign trade without permit to touch in	
Unseaworthy vessels	232	trade	256
Refusal to proceed when vessel found sea-		Payment of fees condition precedent to clear-	200
worthy	232	ance	257
Inspection of seaworthiness at foreign ports	232 232	List of consular and diplomatic fees	257
Report of inspectors Discharge of crew on account of unsea-	232	Clearance on Lake Champlain Clearance on Great Lakes	257 257
worthiness	233	Report and unlading of cargo	257
Payment of inspection charges	233	Frontier vessels required to clear	257
Penalty for refusal to pay wages or inspec-		Documents returned at clearance.	258
tion charges	233 233	Unlawful return of foreign vessel's papers	258
Provisions and water	233	Ferry boats exempt   Refusal of, to vessel refusing to accept freight	258 258
Forfeiture for false complaint	234	Fees for clearance.	258
Master must permit seamen shore leave; pen-			
alty for failure	234	Chapter XV.—Domestic Commerce	
Allowance for reduction of provisions	234 235	Great districts	950
Weights and measures Medicines and antiscorbutics	235	Departure within a great district.	259 259
Penalty for failure to keep medicines	235	Arrival within a great district	260
Slop chest	236	Departure for another great district	261
Warmth and clothing	236	Arrival from another great district	262
Hospitalization of seamen	236 t 237	Exemption on the Mississippi and tributaries Vessels with domestic cargo	262
Care of sick and disabled seamen Beneficiaries of fund for relief of sick and	201	Registered vessels in the coasting trade	263 264
disabled scamen	237	Report by master	264
President authorized receive donations	237	Extension coastwise laws	264
Definition of word "seaman"	227	Transportation merchandise in foreign vessels	
Employees on canal boats in coasting trade	927	between points in United States forbidden Foreign vessels may not transport merchandise	265
excludedLiability of foreign vessels for hospital	237	coastwise from foreign trade zone	266
charge	237	Transportation between American ports via	200
Employees on certain public vessels of		foreign ports	266
United States eligible	238	Admission certain vessels coastwise trade	266
Shipowners' liability (sick and injured seamen) convention, 1936	990	Coastwise passenger transportation via foreign	966
Provisions of Draft Convention No. 55	238 238	vessels prohibited Transportation passengers between Rochester	266
Reservations by the United States Gov-	200	and Alexandria Bay by Canadian passenger	
ernment	243	vessels	266
Ratification of treaty	243	Coastwise laws not applicable American	000
Minimum age (sea) convention (revised) 1936. Provisions of Draft Convention No. 58	243   243	Samoa	$\frac{267}{267}$
Reservations by the United States Gov-	240	Foreign vessels on coasting voyages	267
ernment	245	Forfeiture of vessel and merchandise	268
Ratification of treaty	245	Notice of seizure of vessel or merchandise	268
Chantan VII Wasiting Takes Deletions		Legal procedure Foreign tugboats	268
Chapter XII.—Maritime Labor Relations		Foreign-built dredge cannot engage in domes-	268
Declaration of policy Laws unaffected; National Labor Relations	246	tic dredging	268
Laws unaffected; National Labor Relations	246		
Board Definitions	246	Chapter XVITrade with Insular Possession	ns
Encouragement of employer-employee agree-	-10	of United States and the Philippine Islands	
ments and settlements	247		
Filing copies of labor contracts with Board;	04-	Alaska Coasting laws	269
penaltiesConsideration and adjustment of agreements	247	Coasting laws	269
and disputes by employer-employee repre-		Yukon and Stickine River trade	269 269
sentatives	248	Pribilof, St. Paul, St. George, Walrus, and	200
Maritime Labor Board	248	Otter Islands, and Sea Lion Rock	269
Mediation and assistance relating to agreements	249	Hawaii	270
Arbitration of disputes	249	General provisions Registry of vessels and coasting trade	270 270
Report of plan for permanent labor policy.	250	Quarantine and public health	270
Appropriations Duration of act	250	Fisheries	271
Duration of act	250	Wharves; harbors; pilots	271
Chapter XIII.—Navigation Fees		Seamen's laws Puerto Rico	$\frac{272}{272}$
-	05.	General provisions	272
Schedule of fees	251	Coasting trade	272
ment entrance and clearance fees	252	Coasting tradeQuarantine and public health	273
Ferry boats exempted payment of fees	252	Harbors and navigable waters	273
Triweekly passenger vessel exempted	252	Virgin Islands	274 274
Chapter VIVClearance of Verrals		Philippine Islands	275
Chapter XIV.—Clearance of Vessela		Treaty of peace Duties and taxes; Philippine fund Vesseels and coasting trade	275
Requirement for	253	Duties and taxes; Philippine fund	275
Licensed deck officer or purser may make entry	254	Aids to navigation and commerce	276 277
and clearance	LUI I	V III. to navigation and commerce	211

Accommodations for steerage passengers	Chapter XVII.—Passenger Act of 1882	Page		Page
Berthis for steerage passengers. Light, Air, and accommodations for steerage Provisions for steerage passengers. Provisions for steerage passengers. Provisions for steerage passengers. Provisions for steerage passengers. Discipline and cleanliness grows and the special provisions of referring explosives; datagerous articles, and mals. Carrying explosives; datagerous articles, and mals. Boarding vessel, passenger list. Doarding vessel, passenger list. Doarding vessel, passenger list. Provision of livestock and grows and the provisions of the provisions of the provisions of the provisions of recretificates or other identification devices or cretificates or other identification devices or or cretificates or other identification devices or cretificates or other identification of livestock and live poultry. Dispection of alimnals for export; certificates or condition. No clearance to vessel carrying meat for export without inspector's certificates, and of products without complying with provisions of inspection or sale of mean or meat food products without complying with provisions of inspection law.  Officially a provision of investock and live poultry. Chapter XIX—Ocean Mail Service  Mail carrying by exsels not in Carrying interior or alice of the provision of inspection of investock and live poultry.  Chapter XIX—Ocean Mail Service  Mail carrying by exsels for letters.  Agriculture to respect to the p	Accommodations for steerage passengers	Page   278	Liabilities before loading and after discharge; effect on other laws	300
passengers Provisions for steerage passengers Hospitals; surpeon Hospi	Berths for steerage passengers	279	Scope of Act; "United States"; "Foreign	300
Hospitals; surgeon Discipline and cleanliness Privacy of steerage passengers; penalty for property of steerage passengers; penalty for many property of steerage passenger list.  Death of steerage passenger list. Death of steerage passenger. Vibration of rules passenger list. Death of steerage passenger list. Death of steerage passenger list. Death of steerage passenger. Vibration of rules livestock and imprisonment. Death of steerage passenger. Vibration of rules livestock list. Vibration of rules passenger. Vibration of rules livestock list. Vibration of rules penalty. Dispection of animals for export, crutificates of condition. Vibration of rules passenger list. Death of steerage passenger. Vibration of livestock and meat products of condition. Vibration of livestock and meat products of condition. Vibration of rules passenger. Vibration of livestock list. Vibration of livestock list. Vibration of livestock and meat products of condition. Vibration of livestock list. Vibration	passengers		Suspension of provisions by President	301
Discipline and cleanliness Privacy of steerage passengers; penalty for Privacy of steerage passengers; penalty for mals.  Carrying explosives; dangerous articles; and mals.  Boarding vessel; passenger list.  Chapter XVIII.—Cattle, Livestock, Live Poultry, and Dairy Trade  Regulation of cattle ships.  Chapter at VIII.—Cattle, Livestock, Live Poultry, and Dairy Trade  Regulation of detted ships.  Chapter at VIII.—Cattle, Livestock, Live Poultry, and Dairy Trade  Regulation of detted ships.  Chapter at VIII.—Cattle, Livestock, Live Poultry, and Dairy Trade  Regulation of detted ships.  Regulation of detted ships.  Chapter at VIII.—Cattle, Livestock, Live Poultry, and Dairy Trade  Regulation of detted ships.  Chapter at VIII.—Cattle, Livestock, Live Poultry, and Dairy Trade  Regulation of detted ships.  Regulation of detted ships.  Chapter at VIII.—Cattle, Livestock, Live Poultry, and Dairy Trade  Regulation of detted ships.  Regulation of detted ships.  Regulation of detted ships.  Chapter at VIII.—Cattle, Livestock, Live Poultry, and Dairy Trade  Regulation of detted ships.  Chapter at VIII.—Cattle, Livestock, Live Poultry, and Dairy Trade  Regulation of detted ships.  Chapter at VIII.—Cattle, Livestock, Live Poultry, and Dairy Trade  Regulation of detted ships.  Condition of detted ships.  Condition of detted ships.  No clearance to vessel carrying cattle for export, specification of ships of ships of the procession of the procession of ships of the procession of ships of the proces	Hospitals; surgeon	282	Short title	
Carrying letters and for export.  Chapter XIX.—Cearm and or which is intended for export.  Inspection of animals for export.  Inspectors of export, errificates of condition.  No clearance to vessel carrying cattle for export.  Inspectors of export, errificates of condition.  No clearance to vessel carrying meat for export.  Inspectors of export, errificates of condition.  No clearance to vessel carrying meat for export.  Inspectors of export, errificates of condition.  No clearance to vessel carrying meat for export.  Inspectors of export, errificates of condition.  No clearance to vessel carrying meat for export.  Inspectors of export, errificates of condition.  No clearance to vessel carrying meat for export.  Inspectors of inspectors certificates, and of copies.  Inspectors of export, errificates of condition.  No clearance to vessel carrying meat for export.  Chapter XIX.—Customs Districts,  Boundaries and Ports of Entry  257  Chapter XIX.—Customs Districts,  Boundaries and Ports of Entry  Contraving letters out of the mail on vessels.  Carrying letters out of the mail on vessels.  For carrying thres out of the mail on vessels.  For carrying thres out of the mail on vessels.  For carrying thres out of the mail on vessels.  For carrying thres out of the mail on vessels.  For carrying thres out of the mail on vessels.  For carrying thres out of the mail on vessels.  For carrying thres out of the mail on vessels.  For carrying thres out of the mail on vessels.  For carrying thres out of the mail on vessels.  For carrying thres out of the mail on vessels.  For carrying thres out of the mail on vessels.  For carrying thres	Discipline and cleanliness	282	Liability of owners, masters, and shippors	
mals.  Boarding vessel; passenger Hs.  Boarding limiting limbitly for negligence Madding Havild Start of Walding Havild Start of Walding Havild Yesper Handson of Walding Handson or sale of meat or meat food products without complying with provisions of inspection or sale of meat or meat food products without complying with provisions of inspection or sale of meat or meat food products without complying with provisions of inspection or sale of meat or meat food products without complying with provisions of inspection or sale of meat or meat food products without complying with provisions of inspection or sale of meat or meat food products without complying with provisions of inspection or without inspector's certificates, and of inspect or extificates, and of inspect or extificates, and of inspect or extificates, and of inspect or extificates of conditions.  Boarding vessels to deliver letters at post office before entry; out, failure to have permit and with of the passenger in the passenger in the passenger in the passenger in the pass	Violating	282	Amount of liability; loss of life or bodily in-	302
Death of steerage passenger.  Inspection and examination of vessels.  Chapter XVIII.—Cattle, Livestock, Live Poultry, and Dairy Trade Poultry, and Dairy Trade Regulation of cattle ships  Violation of rules, penalty Inspection of rules, penalty Inspection of rules penalty Inspection of animals for export. Inspection of animals for export. Inspectors of animals for export, certificates of condition. No clearance to vessel carrying cattle for export without inspector's certificate of condition. No clearance to vessel carrying exist of which is Intended for export, certificates of condition. No clearance to vessel carrying meat for export without inspector's certificates of condition. No clearance to vessel carrying meat for export without inspector's certificates of conditions of inspection of services and of products without complying with provisions of inspection of vessels of inspection of animals imported or intended for export. Transportation of livestock and live poultry Chapter XIX.—Coean Mail Service Marine mail service.  Scizing and detaining letters.  Scizing and detaini	mals		Stipulations limiting time for filing claims and	
Penalties; withholding clearance; fine and imprisonment. Or pressure of the products.  Chapter XVIII.—Cattle, Livestock, Live Poultry, and Dairy Trade Poultry, and Dairy Trade Poultry, and Dairy Trade Regulation of cattle ships.  Violation of rules; penalty.  Inspection of livestock and meat products.  Inspection of livestock and meat products of marks, labels, or other identification devices or certificates. Inspection of animals for export.  Inspection of animals for export.  Inspection of carrier, sertificates of condition.  No clearance to vessel carrying cattle for export without inspector's certificates of condition. No clearance to vessel carrying meat for export without inspector's certificates of condition. No clearance to vessel carrying meat for export without inspector's certificates, and of copies.  Intended for export, certificates of condition. No clearance to vessel carrying meat for export without inspector's certificates, and of copies.  Intended for export, certificates, and of c	Death of steerage passenger	284	Stipulations limiting liability for negligence	
Chapter XVIII—Cattle, Livestock, Live Poultry, and Dairy Trade  Regulation of cattle ships Violation of rules; penalty Inspection of livestock and meat products Forgery, alteration or unanthorized use of marks, labels, or other identification devices Inspection of animals for export. Inspection of animals for export, certificates of condition.  No clearance to vessel carrying cattle for export without inspector's certificate so decondition.  No clearance to vessel carrying meat for export without inspector's certificate so decondition.  No clearance to export, certificate so decondition.  No clearance to vessel carrying meat for export without inspector's certificate so decondition.  No clearance to export, certificate so decondition.  No clearance to vessel carrying meat for export without inspector's certificate so decondition.  No clearance to export, certificate so decondition.  No clearance to vessel carrying meat for export without complying with provisions of inspection of sale of meat of meat for properties of the provision of inspector's certificate so decondition.  Carrying or animals imported or intended for export.  Chapter XXI.—Cocan Mail Service  Delivery of letters by master of vessel.  Delivery of letters by master of vessel.  Delivery of letters by master of vessel.  Delivery of letters out of the mail on vessels.  Carrying foreirn letters.  Carrying letters out of the mail on vessels.  For carrying mails between the United States.  For carrying mails between the United States.  Chapter XX.—Liability of Shippers  Bills of lading subject to act.  Postage on letters carried in foreign vessel.  Transportation of Canadian mail through the United States.  Chapter deficiency.  Chapter deficiency.  Chapter deficiency.  Chapter deficiency.  Provided of the provided o			Apportionment of compensation	304
Chapter XVIII—Cattle, Livestock, Live Violation of rules, penalty Trade  Regulation of cattle ships  Violation of rules, penalty Inspection of livestock and meat products Forery, alteration or unanthorized use of marks, labels, or other identification devices or certificates of condition.  No clearance to vessel carrying cattle for export without inspector's certificates of condition.  No clearance to vessel carrying cattle for export without inspector's certificate and product inspector's certificate or livestock and five poultry.  Polivery of inspector's certificate, and of copies.  Transportation or sale of meat or meat food products without complying with provisions of inspector low complying with provisions of inspector or certificate, and of copies.  Transportation or sale of meat or meat food products without complying with provisions of inspector or certificate, and of copies.  Transportation or sale of meat or meat food products without complying with provisions of inspector of certificates.  Belivery of letters by master of vessel.  Delivery of letters by master of vessel.  Delivery of letters out of the main on vessels.  Earrying foreign letters.  Disposition of selarors.  For carrying mails between the United States.  For carrying the provision in selaror of the main on vessels.  For carrying mails between the United States.  For carrying by vessels not in the provision in selaror of the provision of selarors.  For carrying the provision of selarors.  For carrying by the provision of selarors.  For carrying the provision in selarors of the united of the provision in selarors.  For car	prisonment	285		
Regulation of cattle ships  Wiolation of rules; penalty Inspection of livestock and meat products Forery, alteration or unanthorized use of marks, labels, or other identification devices or certificates. Inspection of animals for export, certificates of condition.  Sees an animals for export, certificates of condition.  Sees an animals for export, certificates of condition.  Inspectors of animals for export, certificate export without inspector's certificate export without inspector's certificate export without propertor's certificate export without complying with provisions of inspectors of carcasses, etc., meat of which is intended for export, certificate export without complying with provisions of inspectors of carcasses, etc., meat of which is intended for export, certificate export without complying with provisions of inspectors of animals imported or intended for caport.  Transportation or sale of meat or meat food products without complying with provisions of inspectors of animals imported or intended for export.  Chapter XXI.—Ocean Mail Service  Delivery of letters by master of vessel.  Delivery of letters to push of the mail on vessels.  Entry of vessels required to enter any of the provisions of inspectors of animals imported or intended for export.  Entry of vessels of the United States.  Seed of the United States.  Possels of the United States.  Seed of the United States and States and foreign countries.  For carrying mails between the United States and foreign countries.  For carrying mails between the United States and foreign countries.  For carrying mails between the United States.  For carrying mails be			Remedies reserved	
Violation of rules; penalty. Inspection of livestock and meat products Forgery, alteration or unanthorized use of marks, labels, or other identification devices or certificates. Or condition.  Sipulations relieving from exercise of due dillgence in equipping vessels.  Stipulations relieving from exercise of due dillgence in equipping vessels.  Stipulations relieving from exercise of due dillgence in equipping vessels.  Stipulation of liability.  Stipulations of liability.  Stipulations.  Stipula		286	Limitation of liability of owners of vessels for	
Forgety, alteration or unanthorized use of marks, labels, or other identification devices or certificates. Inspectors of animals for export, certificates of condition. Some cases of carrying cattle for export. Stipulations relieving from exercise of due dillgence in equipping vessels. Limitation of liability. 306 months of carcasses, ent. meat of which is intended for export, certificate carcasses, etc., meat of which is intended for export, certificates of condition. No clearance to vessel carrying meat for export without inspector's certificates, and of copies.  Transportation or sale of meat or meat food products without complying with provisions of inspector certificates, and of copies.  Transportation or sale of meat or meat food products without complying with provisions of inspector certificates.  Transportation of livestock and live poultry.  Chapter XXI.—Customs Districts, Boundaries and Ports of Entry  Customs districts, boundaries, and ports of entry.  Customs districts, boundaries, and ports of entry.  Customs districts, boundaries, and ports of entry.  Chapter XXI.—Customs Districts, Boundaries and Ports of Entry  Customs districts, boundaries, and Ports of Entry  Customs districts, boundaries and Ports of Entry  Customs districts, boundaries and P	Violation of rules; penalty		Vessels to which limitation of owner's liability	
or certificates. Inspector of animals for export. Inspectors of animals for export, certificates of condition. No clearance to vessel carrying cattle for export. Port without carcasses, ment of which is intended for export, certificates of condition. So clearance to vessel carrying meat for export without inspector's certificate. Delivery of inspector's certificates, and of copies. Transportation or sale of meat or meat food products without complying with provisions of inspector in sectoric certificates, and of copies. Transportation of sale of meat or meat food products without complying with provisions of inspector of animals imported or intended Inspection of animals imported or intended Inspection of animals imported or intended Inspection of animals without complying with provisions of inspector of animals imported or intended Inspection of animals imported or intended Inspection of animals retire.  Marine mail service. Delivery of letters by master of vessel. Delivery of letters of the mail on vessels. Delivery of letters of letters. D	Forgery, alteration or unauthorized use of		Harter Act	305
Inspectors of animals for export; certificates of condition. No clearance to vessel carrying cattle for export without inspector's certificate selection for export, eritificates of condition. No clearance to vessel carrying meat for export without inspector's certificate of condition. No clearance to vessel carrying meat for export without inspector's certificate of condition. No clearance to vessel carrying meat for export without inspector's certificate of condition. No clearance to vessel carrying meat for export. Polivery of inspectors' certificates, and of copies.  Polivery of inspectors' certificates, and of or copies.  Chapter XXI.—Customs Districts, Boundaries and Ports of Entry Offenses, penalty.  Transportation of livestock and live poultry.  Chapter XXI.—Entry of Vessels and Merchandise  Marine mail service.  Delivery of letters by master of vessel. 250  Mail carrying foreign letters.  Delivery of letters by master of vessel. 250  Carrying foreign letters.  Delivery of letters at post office before entry, outly failure.  Searching vessels for letters.  Port carrying mails between the United States and foreign countries.  For carrying mails between the United States and foreign countries.  Prost general libel bond.  Chapter XXI.—Customs Districts, boundaries, and ports of entry.  Searching vessels for dearcy.  Chapter XXI.—Entry of Vessels and Merchandise.  Report of arrival.  Entry of foreign ressels.  11 Entry of foreign ressels.  12 To refer with the mail on vessels.  13 Transportation on contracts.  Post general libel bond.  Chapter XXII.—Entry of Vessels and Vessels for the point of ent	or certificates			
No clearance to vessel carrying cattle for export without inspector's certificates (resport without inspector's certificates of condition). The composition of carcasses, etc., meat of which is intended for export, certificates of condition. No clearance to vessel carrying meat for export without inspector's certificates, and of copies.  Transportation or sale of meat or meat food products without inspector's certificate and products without complying with provisions of inspection law.  Chapter XXI.—Customs Districts, Boundaries and Ports of Entry Offenses, penalty.  Transportation of livestock and live poultry.  Chapter XXI.—Entry of Vessels and Merchandise  Marine mail service.  Delivery of letters by master of vessel. 290  Mail carrying by vessels not in. 290  Carrying foreien letters.  Delivery of letters by master of vessel. 290  Carrying foreien letters.  Disposition of seizures.  For carrying mails between the United States and forein countries.  For carrying mails between the United States and forein countries.  Pay for transportation contracts.  For carrying mails between the United States.  Chapter XXI.—Customs Districts, Boundaries and Ports of Entry  Customs districts, boundaries, and ports of entry.  Chapter XXII.—Entry of Vessels and Merchandise.  Chapter XXII.—Entry of Vessels and Merchandise.  Report of arrival. 2313  Report of arrival. 2314  Entry of foreign ressels. 314  Entry of foreign ressels. 314  Entry of oreign and inding. 315  Vessels not required to enter. 315  Place of entry and unlading. 315  Vessels not required to enter. 315  Place of entry and unlading. 315  Vessels not required to enter. 315  Place of or carry and an inding. 316  Vessels of the United States. 314  Entry of foreign ressels. 314  Entry	Inspection of animals for export; certificates of	- 1	Limitation of liability  Bills of lading to be issued; contents	306
port without inspector's certificate and inspection of careasses, meat of which is intended for export.  Inspectors of carcasses, etc., meat of which is intended for export; certificates of condition. No clearance to vessel carrying meat for export without inspector's certificate.  Delivery of inspector's certificates, and of copies.  Transportation or sale of meat or meat food products without complying with provisions of inspection of animals imported or intended for export.  Chapter XIX.—Ocean Mail Service  Marine mail servic		287	Penalties; liens; recovery	<b>3</b> 06
tended for export. Inspectors of carcasses, etc., meat of which is Intended for export; certificates of condition. No clearance to vessel carrying meat for export without inspector's certificates. and of copies.  Transportation or sale of meat or meat food products without complying with provisions of inspection of animals imported or intended for export.  Chapter XIX.—Ocean Mail Service  Marine mail service.  Marine mail service.  Marine mail service.  Marine mail service.  Delivery of letters by master of vessel.  Mail carrying foreign letters.  Merine of of the mail on vessels.  Carrying foreign letters.  Merine control of the mail on vessels.  Carrying foreign letters.  Merine for of provident in the mail on vessels.  For carrying mails between the United States.  Postage on letters carried out ontracts.  Chapter XX.—Liability of Shippers  Bills of lading subject to act.  United States.  Chapter XXI.—Enthry of Vessels and Merchandise  Merord of arrival.  Survey of fetters by master of vessel.  290  Vessels not required to enter.  315  Removal of customs districts, boundaries, and ports of entry.  316  Chapter XXI.—Entry of Vessels and Merchandise  Chapter XXI.—Entry of Vessels and Merchandise  Chapter XXI.—Entry of Vessels and Merchandise  Place of entry and unlading.  315  Removal of externity of the United States.  316  Removal of externity of vessels of the United States.  290  Out of ownership on entry.  317  Postign and detaining letters.  291  Disposition of selzures.  Chapter XXI.—Entry of Vessels and Merchandise  Meroth of the United States.  292  Postage on letters at post office before entry, onth, failure.  293  Discontinuing transportation contracts.  294  Chapter XXI.—Entry of Vessels and Merchandise  Chapter XXI.—Entry of Vessels and Service  295  National service.  296  Chapter XXI.—Entry of Vessels and Service of entry and unlading.  316  Entry of foreign vessels.  317  Serving foreign letters.  296  Out of requires.  318  Removed of unimals in morted of the united of ownership on entry.  31	port without inspector's certificate	287	Certain provisions inapplicable to trans-	201
Intended for export; certificates of condition No clearance to vessel carrying meat for export without inspector's certificates.  285 Delivery of inspectors' certificates, and of copies.  Transportation or sale of meat or meat food products without complying with provisions of inspection law.  Offenses; penalty.  Inspection of animals imported or intended for export.  Transportation of livestock and live poultry.  Chapter XIX.—Ocean Mail Service  Marine mall service.  Marine mall service.  Delivery of letters by master of vessel.  Mail carrying by vessels not in  Delivery of letters by master of vessel.  Mail carrying foreirn letters.  Delivery of letters at post office before entry; oath; failure.  entry; oath; failure.  Postage on letters.  Disposition of selzures.  For carrying mail-transportation contracts.  For carrying mail-transportation contracts.  For carrying mail-transportation contracts.  Postage on letters carried in foreign vessel.  Substantiant transportation contracts.  Postage on letters carried in foreign vessel.  Special conditions.  Special conditions.  Agreement as to liabilities of carrier  Responsibilities and liabilities.  Special conditions.  Agreement as to liability prior to loading or after discharge.  Discornination between competing shippers.  Discornination between competing shippers.  Definitions.  285 Chapter XXII.—Entry of Entry  Customs districts, boundaries, and ports of entry.  286 Customs districts, boundaries, and ports of entry.  Chapter XXII.—Entry of Vessels and  Merchandise  Chapter XXII.—Entry of Vessels and  Entry of Vessels of the United States.  Session required to enter.  315 Removal of custom unleding.  316 Removal of custom unleding.  317 Removal of custom unleding.  318 Remission for necessary repairs.  319 Selfang and d	tended for export.	287		
Delivery of inspectors' certificates, and of copies. Transportation or sale of meat or meat food products without complying with provisions of inspection law.  Offenses, penalty.  Transportation of almost imported or intended for export.  Transportation of livestock and live poultry.  Delivery of letters by master of vessel.  290  Delivery of letters out of the mail on vessels.  290  Carrying foreign letters.  290  Carrying letters out of the mail on vessels.  291  Vessels to deliver letters at post office before entry, out of the mail on vessels of the United States and Internation contracts.  291  Disposition of seizures.  For carrying mails between the United States and foreign countries.  For carrying mails between the United States and foreign countries.  292  Disposition of Seizures.  For carrying mails between the United States and foreign countries.  293  Disposition of Seizures.  For carrying mails between the United States and foreign countries.  294  Transportation of Canadian mail through the United States.  295  Definitions.  288  Chapter XXII.—Entry of Vessels and Merchandise	intended for export; certificates of condition.	287	Chapter YYI —Custame Districts	
ransportation or sale of meat or meat food products without complying with provisions of inspection law Offenses; penalty	without inspector's certificate.	287		
Transportation or sale of meat of meat food products without complying with provisions of inspection law Offenses; penalty	Delivery of inspectors' certificates, and of copies	288		
Offenses; penalty.  Inspection of animals imported or intended for export	Transportation or sale of meat or meat food			308
Inspection of animals imported or intended for export.  Transportation of livestock and live poultry  Chapter XIX.—Ocean Mail Service  Marine mail service  Marine mail service  Delivery of letters by master of vessel. 290  Mail carrying by vessels not in. 290  Carrying foreign letters. 290  Letters carried out of mail. 291  Carrying letters out of the mail on vessels. 291  Carrying letters out of the mail on vessels. 291  Carrying letters out of the mail on vessels. 291  Carrying letters out of the mail on vessels. 291  Carrying letters out of the mail on vessels. 291  Carrying letters out of the mail on vessels. 291  Carrying letters out of the mail on vessels. 291  Carrying letters out of the mail on vessels. 291  Carrying mail-transportation contracts. 291  For carrying mails between the United States and foreign countries. 291  For carrying mails between the United States and foreign countries. 291  For carrying mails between the United States. 291  For carrying mails between the United States. 291  For carrying mails between the United States. 291  For carrying mails between the United States and foreign countries. 291  For carrying mails between the United States. 291  For carrying mails between the United States and foreign countries. 291  For carrying mails between the United States. 291  For carrying mails between the United States. 291  For carrying mails between the United States and foreign countries. 291  For carrying mails between the United States. 291  For carrying mails between the United States and foreign countries. 291  For carrying mails between the United States. 314  For carrying letters out of the mail on vessels arriving on Sundays, holidays, or at night. 291  For planting for fallure to report arrival or to enter without report or entry. 292  For special conditions. 292  Tansportation of Canadian mail through the United States. 293  Chapter XX.—Liability of Shippers 293  Bills of lading subject to act. 293  Reghts and increase of responsibilities and liabilities 293  Special conditions	of inspection law		Chapter XXII.—Entry of Vessels and Merchandise	
Transportation of livestock and live poultry Chapter XIX.—Ocean Mail Service Marine mail service. Delivery of letters by master of vessel. Delivery of letters by master of vessel. Mail carrying by vessels not in Delivery of letters by master of vessel. Mail carrying by vessels not in Delivery of letters by master of vessel. Mail carrying by vessels not in Delivery of letters by master of vessel. Mail carrying by vessels not in Delivery of letters of the united states arriving of mail carrying letters out of the mail on vessels Carrying letters out of the mail on vessels Description of seizures Postage and detaining letters Disposition of seizures Por carrying mails between the United States and foreign countries. Disposition of seizures Por carrying mails between the United States and foreign countries. Discontinuing transportation contracts. Postage on letters carried in foreign vessel. Postage on letters arriving on Statement of gratuitous consular service rendered. Post mail transporting Penalties Chapter XX.—Liability of Shippers  Bills of lading subject to act Definitions Removal of customhouse. 315 Removal of customhouse. 316 Removal of customhouse. 317 Removal of customhouse. 318 Removal of customhouse. 319 Removal of customhouse. 310 Removal of customhouse. 315 Removal of customhouse. 315 Removal of customhouse. 316 Removal of customhouse. 317 Removal of customhouse. 318 Removal of customhouse. 319 Removal of customhouse. 316 Removal of customhouse. 316 Removal of customhouse. 317 Removal of customhouse. 318 Removal of customhouse. 319 Removal of customhouse. 316 Removal of customhouse. 316 Removal of customhouse. 317 Removal of usionhouse. 318 Removal of usionhouse. 319 Removal of customhouse. 316 Removal of usionhouse. 316 Removal of usionhouse. 317 Removal of usionhouse. 318 Removal of usionhouse. 319 Removal of usionhouse. 310 Removal of usionhouse. 310 Removal of usionhouse. 317 Removal of usionhouse. 318 Removal of usionhouse. 319 Removal of usionhouse. 310 Removal of usionhouse. 310 Removal of us	Inspection of animals imported or intended		Definitions	313
Chapter XIX.—Ocean Mail Service  Marine mail service Delivery of letters by master of vessel. Delivery of letters by master of vessel. Mail carrying by vessels not in Carrying foreign letters. Letters carried out of mail Carrying letters out of the mail on vessels. Letters carried out of mail. Letters carried out of the mail on vessels. Letters carried out of mail. Letters out of the mail on vessels. Letters devicted to enter. Lettry of of regustom on tests on the required to enter. Lettry of of oursership on entry. Letters during the vessels and aircraft. Lettry of repairs. Letters and increase of vessels arriving on Sundays, holidays, or at night. Lettry of offering repairs. Letters during the vessels and ircraft. Lettry of repairs. Letters during to enter of vessels arriving on Sundays, holidays, or at night. Lettry of offering repairs. Letters during the vessels. Letters d	Transportation of livestock and live poultry		Report of arrival	314
Delivery of letters by master of vessel.  Delivery for letters by master of vessel.  Mail carrying by vessels not in	Chapter XIX.—Ocean Mail Service		Entry of foreign vessels	314
Mail carrying by vessels not in 290 Carrying foreign letters 290 Letters carried out of mail 290 Carrying letters out of the mail on vessels 291 Carrying letters out of the mail on vessels 291 Carrying letters out of the mail on vessels 291 Carrying letters out of the mail on vessels 291 Carrying letters out of the mail on vessels 291 Carrying letters out of the mail on vessels 291 Carrying letters out of the mail on vessels 291 Carrying letters out of the mail on vessels 291 Carrying letters out of the mail on vessels 291 Carrying letters out of the mail on vessels 291 Carrying letters out of the mail on vessels 291 Carrying letters out of the mail on vessels 291 Carrying letters out of the mail on vessels 291 Carrying letters out of the mail on vessels 291 Carrying letters out of the mail on vessels 291 Carrying letters and letters 291 Corring vessels and aircraft. 291 Corring vessels and aircraft. 291 Couring vessels and ircraft. 291 Couring vessels and aircraft. 291 Couring vessels and ircraft. 291 Couring vessels and aircraft. 291 Couring			Place of entry and unlading	315
Letters carried out of mail Carrying letters out of the mail on vessels Vessels to deliver letters at post office before entry; oath; failure. Searching vessels for letters. Disposition of seizures. For carrying mails between the United States and foreign countries. How mail transportation contracts. For carrying mails between the United States and foreign countries. How mail transportation contracts. Penalty for failure to report arrival or to enter vessels. Transportation of Canadian mail through the United States. Postage on letters carried in foreign vessel  Chapter XX.—Liability of Shippers  Bills of lading subject to act. Definitions. Dutles and rights of carrier and ship. Responsibilities and liabilities of carrier and ship. Responsibilities and liabilities. Special conditions. Surrender of rights and Immunities and Increase of responsibilities and liabilities. Special conditions. Speci	Mail carrying by vessels not in	290	Vessels not required to enter	315,
Carrying letters out of the mail of vessels   291	Letters carried out of mail	291		316 316
entry; oath; failure. Searching vessels for letters. Disposition of setzures. Porcign mail-transportation contracts. For carrying mails between the United States and foreign countries. Postage on letters carried in foreign vessel. Postage on letters carried in foreign vessel.  Bills of lading subject to act. Definitions. Dutles and rights of carrier and ship. Responsibilities and liabilities of carrier and ship. Responsibilities and liabilities of carrier and ship. Responsibilities and limnunities and increase of responsibilities and liabilities. Special conditions. Special condi			Remission for necessary repairs	317
Seizing and detaining letters.  Disposition of seizures  For carrying mails between the United States and foreign countries.  How mail transportation contracts.  Pay for trausporting.  Pay for trausportation contracts.  Possels.  To specify sea and ship's stores.  Post and rights of carrier.  Bills of lading subject to act.  Dutles and rights of carrier.  Responsibilities and liabilities.  Responsibilities and liabilities of carrier and ship.  Responsibilities and liabilities.  Surrender of rights and immunities and increase of responsibilities and liabilities.  Special conditions.  Agreement as to liability prior to loading or after discharge.  Rights and liabilities under other enact ment.  Discrimination between competing shippers.  291  Penalty for failure to report arrival or to enter wessels.  292  Penalty for failure to report arrival or to enter without report or entry.  292  Statement of gratuitous consular service rendered.  293  Statement of gratuitous consular service rendered.  294  Statement of gratuitous consular service rendered.  295  Statement of gratuitous consular service rendered.  296  Fees for entering.  297  To specify sea and ship's stores.  392  To specify sea and ship's stores.  392  Cortification.  295  Chapter XX.—Liability of Shippers  Residue cargo.  295  Cargo for different ports; manifest and permit.  296  Arrival at another port.  297  Lading and unlading of merchandlse or haggage; penalties.  298  Unlading at port of entry.  299  Unlawful unlading or transhipment.  299  Unlawful vilealading.  299  Unlawful vilealading.  299  Entry foilured annifest; form; contents.  319  Response des for entering.  290  Statement of gratuitous consular service rendered.  291  To specify sea and ship's stores.  292  Cortification.  294  Arrival at another port.  295  Lading and unlading of merchandlse or haggage; penalties.  294  Unlawful vilealading.  295  Unlawful relanding.  296  Entry foilured to hare service of responsibilities and liabilities.  297  Lading of penalties form; contents.  29	entry; oath; failure	291	Entry and clearance of vessels arriving on	
For carrying mails between the United States and foreign countries.  How mail transported.  Pay for transporting.  Penalties.  Discontinuing transportation contracts.  Transportation of Canadian mail through the United States.  Postage on letters carried in foreign vessel.  Chapter XX.—Liability of Shippers  Bills of lading subject to act.  Dutles and rights of carrier.  And ship.  Responsibilities and liabilities of carrier and ship.  Responsibilities and liabilities of carrier and ship.  Surrender of rights and Immunities.  Agreement as to liability prior to loading or after discharge.  Rights and liabilities under other enactment.  Discrimination between competing shippers.  292  293  Penalty for departing or attempting to depart without report or entry statement of gratuitous consular service rendered.  294  295  Statement of gratuitous consular service rendered.  296  Fees for entering.  Required manifests; form; contents.  319  Required manifests; form; contents.  319  Required manifests; penalties.  320  Ccrtification.  322  Cargo for different ports; manifest and permit.  295  Arrival at another port.  296  Lading and unlading of merchandise or haggage; penalty.  297  Lading and unlading of merchandise or haggage; penalty.  298  Unlawful relanding.  299  291  292  292  293  Required manifests; form; contents.  319  Required manifests; penalties.  320  293  Ccrtification.  322  295  295  295  295  295  295  296  297  297  298  Rejuired manifest; penalties.  320  297  298  299  299  290  291  291  292  293  294  295  295  295  295  296  297  297  298  299  299  299  299  290  290  291  291	Seizing and detaining letters	291	Penalty for failure to report arrival or to enter	•
States and foreign countries.  Possible of lading subject to act.  Chapter XX.—Liability of Shippers  Bills of lading subject to act.  Pathon and ship.  Responsibilities and liabilities of carrier and ship.  Surrender of rights and immunities and lincrease of responsibilities and liabilities.  Special conditions.  295  Rights and immunities.  Agreement as to liability prior to loading or after discharge.  Rights and liabilities under other enactment.  Discrimination between competing shippers.  292  Statement of gratuitous consular service rendered.  293  Statement of gratuitous consular service rendered.  294  Fees for entering.  Required manifests; form; contents.  319  Fees for entering.  295  Falsity or lack of manifest; penalties.  297  Post entry.  298  Residue cargo.  299  Arrival at another port.  299  Lading and unlading of merchandise or haggage; penalties.  299  Unlawful enlanding.  299  Unlawful enlanding.  290  Unlawful enlanding.  290  Unlawful enlanding.  291  Unlawful enlanding.  292  Unlawful enlanding.  293  Statement of gratuitous consular service rendered.  319  Fees for entering.  319  Fees for entering.  319  Fees for entering.  310  Fees for entering.  320  Ccrtification.  322  Post entry.  322  Residue cargo.  4 rival at another port.  323  223  224  225  4 rival at another port.  326  227  228  229  229  229  229  229  229	Foreign mail-transportation contracts	292	Penalty for departing or attempting to depart	;
Pay for transporting 292 Pay for transportation contracts 293 Pransportation of Canadian mail through the United States 293 Chapter XX.—Liability of Shippers 293 Bills of lading subject to act 295 Chapter XX.—Liability of Shippers 295 Bills of lading subject to act 295 Postage on letters carried in foreign vessel 293 Bills of lading subject to act 295 Responsibilities and liabilities of carrier and ship 295 Rights and immunities 297 Rights and immunities and larcease of responsibilities and liabilities 297 Agreement as to liability prior to loading or after discharge 299 Rights and liabilities under other enact ment 299 Discrimination between competing shippers 300  Penalties for entering 319 Fees for entering 320 Ccrtification 322 Ccrtification 322 Fees for entering 319 Fees for entering 319 Fees for entering 324 Fees for entering 325 Falsuty and ship sterior on and	States and foreign countries	292	Statement of gratuitous consular service	
Penalties 293 Discontinuing transportation contracts 293 Transportation of Canadian mail through the United States 293 Ostage on letters carried in foreign vessel 293 Elils of lading subject to act 295 Dutles and rights of carrier 295 Responsibilities and liabilities of carrier 295 Rights and immunities 297 Rights and immunities 297 Rights and immunities and 100 a	Pay for transporting.	292	rendered	319
Transportation of Canadian mail through the United States			Required manifests; form; contents	. 319
Postage on letters carried in foreign vessel  Chapter XX.—Liability of Shippers  Bills of lading subject to act. 295 Dutles and rights of carrier. 295 Responsibilities and liabilities of carrier and ship. 295 Rights and immunities and increase of responsibilities and liabilities. Special conditions. 295 Special conditions. 299 Arreament as to liability prior to loading or after discharge. 299 Rights and liabilities under other enactment. 299 Discrimination between competing shippers. 300  Discrimination between competing shippers. 300  Discrimination between competing shippers 300  Discrimination between competing shippers 302	Transportation of Canadian mail through the United States	293	Falsity or lack of manifest; penaltles	. 320
Residue cargo	Postage on letters carried in foreign vessel		Delivery	322
Duttes and rights of carrier 295  Duttes and rights of carrier 295  Responsibilities and liabilities of carrier and ship 295  Rights and immunities and increase of responsibilities and liabilities 297  Surrender of rights and immunities and increase of responsibilities and liabilities 299  Agreement as to liability prior to loading or after discharge 299  Rights and liabilities under other enactment 299  Discrimination between competing shippers 300  Discrimination in the surface of responsibilities and liabilities 295  Arrival at another port 322  Penalties for failure to have permit and certified manifest 297  Unlading; permits; preliminary entries; special delivery permit 324  Lading and unlading of merchandlse or haggage; penalties 324  Unlawful unlading or transhipment 324  Unlawful relanding 325  Unlawful relanding 326  Unlawful relanding 326  Entry for immediate transportation 326	Chapter XX.—Liability of Shippers		Residue cargo	322
Duties and rights of carrier Responsibilities and liabilities of carrier and ship. Rights and immunities. Surrender of rights and immunities and increase of responsibilities and liabilities. Special conditions. Agreement as to liability prior to loading or after discharge and liabilities under other enactment. Discrimination between competing shippers.  295  Arrival at another port. 295  Arrival at another port. 297  Vinlading; permits; preliminary entries; special delivery permit. 298  Unlading at port of entry. 299  Lading and unlading of merchandise or haggage; penalties. 299  Unlawful unlading of passengers; penalty. 299  Unlawful unlading or transhipment. 299  Unlawful relanding. 299  Entry for immediate transportation. 290  Entry for immediate transportation. 291	Bills of lading subject to act	. 295 295	permit	. 322
and ship	Duties and rights of carrier	295	Arrival at another port	. 323
Surrender of rights and immunities and increase of responsibilities and liabilities.  Special conditions	and ship	. 295	certified manifest	. 323
Special conditions 299 Lading and unlading of merchandlse or Agreement as to liability prior to loading or after discharge 299 Unlading of penalties 324 Unlawful unlading or transhipment 324 Unlawful unlading or transhipment 324 Unlawful relanding 299 Unlawful relanding 324 Unlawful relanding 326 Entry for immediate transportation 326	Surrender of rights and immunities and	l	delivery permit	_ 323
Agreement as to liability prior to loading or after discharge 299 Unlading of passengers; penalty 324 Rights and liabilities under other enactment 299 Unlawful unlading or transhipment 324 Discrimination between competing shippers 300 Entry for immediate transportation 326	Special conditions	. 299	Lading and unlading of merchandise o	r
Rights and liabilities under other enact- ment 299 Unlawful unlading or transnipment 324 Discrimination between competing shippers 300 Entry for immediate transportation 326	or after discharge	299	Unlading of passengers: penalty	324
Discrimination between competing shippers. 300   Entry for immediate transportation 326	Rights and liabilities under other enact		Unlawful relanding	326
	Discrimination between competing shippers	300	Entry for Immediate transportation	_ 326

	Page	1	Page
Supplies and stores retained on board	326	Terms used in Air Commerce Act defined	346
Saloon stores	327 327	Penalties for violation of laws and regulations	347
Unlading on Sundays, holidays, or at night Extra compensation	327	made applicable to aircraft Summary seizure aircraft authorized	347
Special permit to unlade by night and		Application of section 7 Air Commerce Act	348
preliminary entry	328 329	Chapter XXV.—Antismuggling Act	
Contiguous countries; report and manifest	329		
Penalties for failure to report or file manifest	329	Customs-enforcement area; boarding vessels. Employment or permitting the employment	349
Inspection of merchandise and baggage Penalty for failure to submit merchandise	330	of vessel in smuggling.	350
and baggage to inspection	330	of vessel in smuggling. Seizure and forfeiture of vessels; acts consti-	
Penalties in connection with	330 331	tuting prima facie evidence vessel engaged in smuggling	350
Sealed vessels and vehicles	331	in smuggling Refusal or revocation of documents or number	
Touching at foreign ports Foreign merchandise coastwise	331 332	evidence that vessel engaging in smuggling Destruction of forfeited vessel	351 351
Lading on Sundays, holidays, or at night	332	Importation in vessels under 30 tons and	
Time for unlading	332	aircraft Certificate for importation of alcoholic liquors	351
Bulk cargo Bonding of carriers	332 332	in small vessels.	352
Search of persons and baggage; regulations	333	Lading vessel in foreign port with liquor for	
Offenses relating to seals; unlawful removal of goods from customs custody	333	Importation; procuring lasting with intent to defraud revenue laws; liability of citizen,	
Boarding and discharging inspectors	334	master and members of crew of United	0.00
Compensation and expenses of inspectors be-	334	States vessel Definitions	352 353
officers not to be interested in vessels or cargo.	334	Separability clause	353
Gratuities	334	Citation of act	353
BriberyLibel of vessels and vehicles	334 335	Chapter XXVI.—Sanitation and Quarantine	3
Seizure; report to collector	335	Entry of vessels in violation of quarantine	
Examination of hovering vessels	335 336	laws	354
Regulations as to boarding arriving vessels		Bill of health; contents; fees; detail of medical	
before inspection  Boarding and search of vessel	337 337	officer at consulate; vessel clearing without bill; vessels from ports near frontier	354
Seizure of vessels or merchandise	338	Bills of health and duplicate copies; to whom	
Persons making seizures pleading general	200	presented	35.5
issue and proving special matter Collector to receive amount recovered	338 338	not entering United States subject to regu-	
Forfeitures	338	lations	355 355
Illegal boarding of vessel	339 339	Unauthorized entry within or departure from	000
		quarantine grounds or anchorages; masters or owners of vessels violating law or making	
Chapter XXIII.—Foreign Trade Zones	1	false statement as to condition of vessel or	
Definitions	340	contents, or as to health of passenger or per-	356
Authorization of the establishment of zones; number; preference as between corporations	340	vessels from infected ports subject to State	990
Admission of foreign merchandise; treatment;	0.00	quarantine laws	356
shipment to customs territory; appraisal; reshipment to zone	341	Cost of fumigation and disinfection of foreign vessels	356
Customs officers and guards	341	Removal of cargo	356
Vessels entering or leaving zone; coastwise	342	Quarantine warehouses; erection Deposit of goods in	357 357
Application for establishment of zone; expan-	342	Extending time for entry of vessels subject to	
sion of zone	342 342	quarantine Quarantine regulations	357 357
Granting of application Rules and regulations	342	Regulations to secure sanitary conditions of	
Cooperation of board with other agencies	342	vessels; inspection; health certificate	358
Cooperation of other agencies with board Agreements as to use of property	343 343	stations	359
Facilities to be provided and maintained	343	Schedule of charges; payment Health certificates; when procurable	359 360
Permission to others to use zone	343	Immediate quarantine service; contributions.	360
customs service	344	State health laws	3 <b>6</b> 0
Residents; rules as to entering and leaving; exclusion of goods; retail trade	344	tine officers	360
Accounts; reports of grantee; reports of com-		Quarantine anchorage	360
mission Transfer of grant	344   345	National quarantine Notice of selection of places for quarantine	361
Transfer of grant. Revocation of grant; grounds; proceedings;		stations and auchorages; instrumentalities	
appeal to circuit court of appealsOffenses	345 345	for disinfecting vessels and cargoes and hos- pital buildings; treatment of sick and eradi-	
Separability of provisions.	345	cation of disease	361
Right to alter, amend, or repeal act	345	Trespass on quarantine reservations; vessels entering United States in violation of laws	362
Chapter XXIV Entrance and Clearance,		Violation of quarantine laws; by common	
Aircraft		carriersSuspension of commerce	362 362
Ports of entry for aircraft, application of laws			<b>400</b>
and regulations by Secretary of the Treasury.	346	Chapter XXVII.—Immigration	000
Secretary of Commerce may apply Laws Per- taining Entrance and Clearance of Vessels		Definition of "seaman"	363 363
to Aircraft. Secretary of Labor may apply immigration	346	Definition of "immigrant"	363
laws pertaining to vessels to aircraft	349	Head tax	363 <b>36</b> 5
a commend to control to many distances			

	Page		Page
	365	Establishment reserve	389
A lien seamen excluded from admission	366	Voluntary organization	390
Fraudulent entry of immigrants as seamen	366	Use of reserve vessels	390
Diseased immigrants	367	Classification of reserve vessels	399
Hegal landing Penalty for illegal transportation	368	Distinguishing insignia	390
Foreign officials	368	Limitation of authority of members	390
Missellancous	368	Coast Guard facilities may be utilized	391
Miscellaneous Immigration to Philllpines	369	International agreements on ice patrol and	
Illimigration to I minpiacottettettettettettettettettettettettette		derelict destruction	391
Chapter XXVIII.—Tonnage Tax		Patrol services	391
Onaprot series		North Atlantic routes	392
Amount of tax	370	Speed of vessel in ice region; penalty	392
Amount of tax	370	Publication of rules and regulations in Federal	000
Coastwise and fishing vessels exempt	371	Register	392
Exemptions for frontier vessels	371	et versere nelectione	
Triweekly passenger vessels exempt	371	Chapter XXXII.—Rules to Prevent	
Philippine vessels	371	Collisions	
Discriminating tonnage taxes	372	International pilot rules	393
Provisions of treaties terminated	372	Definitions	393
Light money (in exceptional cases)	372	Lights, etc	393
Repeal of penalties Vessels arriving at Virgin Islands exempt from	372	Time for lights	. 393
Vessels arriving at Virgin Islands exempt from	272	Steam vessels—masthead light	393
tonnage tax or light money	373	Steam vessels—side lights	. <b>3</b> 93
Consular tonnage charges	373 373	Steam vessels—range lights	. 394
Refund of tonnage tax	010	Steam vessels—when towing	394
at a Wary Discrimination Against	•	Special lights	. 394
Chapter XXIX.—Discrimination Agains		Lights for sailing vessels and vessels	3
American Vessels		in tow	. 395
Retaliatory suspension of privileges	375	Lights for small vessels	395
Discrimination against American fishing ves-		Lights for small steam and sail vessels	305
colc	3(0)	and open boats	395 396
Discrimination against products of the United		Lights for pilot vessels	
States	376	Lights, etc., of fishing vessels	
Discrimination on Canadian canals	377	Lights for an overtaken vessel	000
Retaliation	378	Anchor lights	
1600011301011212121		Special signal	400
Chapter XXX.—Motor Boats		Steam vessel under sail by day	
•		Sound signals in fog, etc	400
Defined	. 380	Preliminary	
Classes	. 380	Steam vessel under way	
Lights	380	Sail vessel under way	
Sound signals	. 381 . 381	Vessels at anchor or not under way	_ 401
Life preservers; licenses		Vessels towing or towed	_ 401
Means of extinguishing burning gasoline		Small sailing vessels and boats	_ 401
Penalty for violations		Speed in fog	_ 401
International rules for preventing collisions a	t.	Steering and salling rines	
sea in effect	382	Preliminary	401
Certain exemptions		Sailing vessels	
Numbering		Steam vessels	
Carriage of pilot rules not required	. 383	Steam vessel shall keep out of the wa	
Curriage of processing .		of sailing vessel	
Chapter XXXI.—Coast Guard		Course and speed	400
•		Ctoom monuple chall clocken speed (	) <b>r</b>
Establishment of.	. 384		403
Existing laws made applicable to	_ 384	O-establing reagals	
Weekly reports to collectors of customs	_ 384	Narrow channels	403
Additional customs duties under direction of	. 384	District of Galaina magazin	403
Secretary of Treasury			1904
Jurisdiction of	385	'I G I -imle for possing atonmore	403
Acts as agent for other departments.  Effect on other laws.	_ <b>3</b> 85	Precaution	409
Inland waters defined		Local rules for harbors and inlar	ia
Use of vessels for protection of revenue; at	1-	waters	404 404
thority of President	- 929	Distress signals	
Authority of Secretary of Treasury as to us	se:	Orders to helmsmen	
of vessels for protection of revenue			
Customs duties of officers of eutrers	. 35	Adoption of rules for navigation of harbon	40
Ensigns and pennants for Coast Guard cu	t-	rivers, and inland waters	
tore ote	. 38	Penalty for violations by pilot, enginee	40
Stopping vessels; immunity of Coast Guar	.ci	mate, or master Penalty for violations by vessel	40
officer	99	Definitions	40
Use of vessels for private purpose; penalty for	or <b>3</b> 8		40
wrongful use	38	Time for lights	40.
To furnish medical aid to fishing crews.	38		40
Claims for damages occasioned by vessels— Placing warnings over obstructions————————————————————————————————————	. 38	7 Steam vessels—side lights	40
Investigation of shipwreeks accompanied with		Steam vessels—range lights	40
loss of life		Steam vessels—when towing	40
Powers and duties of keepers generally; res		Lights for saining vessels and vessel	112
dence		8 in tow	40
Assistance by	38	o l Lighte for forryboats, harges, and cal	181
Detail of vessels for patrol duty	38		no. 40
Removal of dereliets	35		
Detail to remove or destroy dereliets Placing warnings over obstructions	33	1. Lights for small vessels Lights for pilot vessels Lights for pilot vessels	

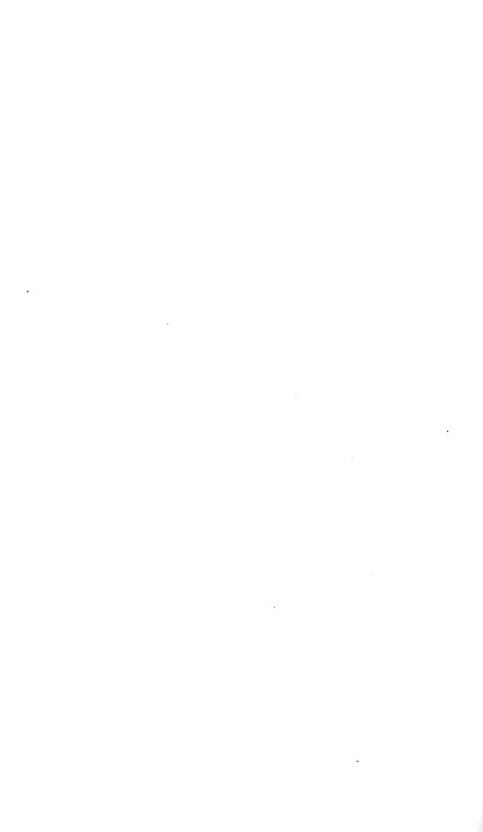
Inland pilot rules—Continued. Lights—Continued.	Page	Pilot rules for the Great Lakes and the St.	Dege
Lights, etc., of fishing vessels	408	Lawrence River, etc.—Continued. Steering and sailing rules—Contined.	Page
Lights from rafts, or other craft, not	400	Precaution	426
provided forLights for an overtaken vessel	409 409	Orders to helmsmen	426 426
Anchor lights	409	Penalty  Authority of Secretary of Commerce to establish regulations	120
Special signals	409	establish regulations	426
Naval lights and recognition signals Steam vessel under sail by day	410 410	Authority of Board of Supervising Inspec- tors to establish regulations	426
Sound signals in fog, etc	410	Pilot rules for the Red River of the North, and	123
Preliminary	410 410	rivers emptying into the Gulf of Mexico, and	107
Steam vessel under way Sail vessel under way	410	Adoption of rules.	427 427
Vessels at anchor or not under way	410	Definitions.	427
Vessels towing or towed Rafts, or other craft not provided for	410 411	LightsSteam vessels—masthead light	427 427
Speed in fog	411	Steam vessels—side lights	428
Steering and sailing rules	411	Steam vessels—when towing	428
Preliminary Sailing vessels	411 411	Steam vessels other than ocean-going steamers and steamers carrying sail.	428
Steam vessel	411	River steamers	428
Two steam vessels crossing	413	Special lights	428
Steam vessel shall keep out of the way of sailing vessel		Sailing vessels Small vessels during bad weather	429 429
Course and speed	413	Vessels at anchor	429
Crossing ahead	413	Sailing pilot vessels	429
stop		Steam pilot vessels	429
Overtaking vessels	413	boats, canal boats, etc	430
Narrow channels Rights of way of fishing vessels	414	Open boats Vessels of war and Coast Guard cut-	430
General prudential rule	414	ters	430
Sound signals for passing steamers		Sound signals in fog, etc	430
Precaution Lights on United States naval vessels	414	Steering and sailing rules Preliminary	431 431
and revenue cutters		Sailing vessels	431
Distress signals		Two steam vessels meeting	431
Orders to helmsmen	415 415	Two steam vessels crossing Steam vessel shall keep out of way of	431
Penalty for violations by pilot, engineer,		sailing vessel Steam vessel shall slacken speed or	431
Penalty for violations by vessel		Steam vessel shall slacken speed or	420
Limits of application of international and in-	416	stop Overtaking vessels	432 432
land or local rules Pilot rules for the Great Lakes and the St.	416	Course and speed	432
Pilot rules for the Great Lakes and the St.  Lawrence River as far east as Montreal	419	General prudential rule	432 432
Definitions	419	Precaution	432
Lights	419	Orders to helmsmen	432
Steam vessel—masthead light Steam vessel—side lights	419 419	Board of supervising inspectors establish regulations for passing steamers	432
Steam vessel—range lights	420	Penalty for violation by pilot, engi-	104
Steam vessel—when towing other than		neer, mate, or master	433
rafts Steam vessel—when towing rafts	420 420	River navigation Pilot rules for the St. Marys River.	433 433
Sailing vessel and vessel in tow	421	Authority of officers of Coast Guard to	
TugsSmall vessels	421 421	enforce regulations	433
Anchor lights	421	owner, master, or person in charge	433
Produce boats, canal boats, fishing		Regattas and marine parades	434
boats, rafts, etc	422 422	Issuance of regulations Enforcement of regulations	434 434
Open boats Use of torch by sailing vessel on ap-		Transfer of authority and power of Secre-	
proach of steamer	422	tary of Commerce to another department	424
ters	422	where desirable Penalties	434 434
Fog signals Steam and sailing vessels	422	Application of navigation and shipping laws	
Steam and sailing vessels Steam vessel under way	422 423	to aircraft	435 <sup>-</sup> 435
Sailing vessel under way	423	Duty to stay by Penalty for failure to give aid	435
Vessel at anchor Produce boats, fishing boats, rafts,	423		
etc	423	Chapter XXXIII.—General Pilot Laws	
Speed in fog Steering and sailing rules	423	State regulation of pilots	436
Steering and sailing rules	424 424	State regulation of pilots Pilots on boundaries between States	436
Two steam vessels meeting	424	Discrimination in pilot rates not allowed	436
Two steam vessels crossing	424	State regulations as to licenses of pilots of steam vessels and pilot charges.	436
Steam vessel shall keep out of the way of sailing vessel	424	vessels and pilot charges Vessels navigating coastwise and Great Lakes	436
Course and speed	424		
Steam vessel shall slacken speed	424	Chapter XXXIV.—Aids to Navigation	
Overtaking vessel	425 425	Storm and weather signals	438
Steamers meeting in narrow channels.	425	Private signals	438
Steamers passing in narrow channels Sound signals for passing steamers	425 425	Interference with range lights Exemption from tolls	438 439
General prudential rule	426	Anchorage grounds	439

	0.00		age
	age	Payment of judgment, award, or settlement	466
Improvements by private or municipal cor- porations	441	Arbitration, compromise, or settlement of claims	466
Bridges, dams, and dikes	441	Recovery for salvage services by vessel or crew.	466
General obstructions	443	Disposition of moneys recovered by United	
	443	States	466 466
	444	reports as to suits, a wards, and settlements	*00
Oil pollution act	446	Chapter XXXIX.—Public Vessels Act	
Definitions	446		
Prohibition against discharge of oil gener-	446	Libel in admiralty against or impleader of United States	468
Ally Penalties for violation; liability of vessel	446	Venue of suit	468
Revocation or suspension of licenses of offl-		Cross libel or set-off or counterclaim where	-00
cers of offending vessels	447	United States sues	468
Enforcement personnel; arrest of offenders;	447	Subpoenas to officers or members of crews Suits by nationals of foreign governments	469 469
procedureOther statutes unaffected	447	Arbitration, compromise, or settlement.	469
Impairing public works	447	Payment of judgments or settlements	469
Obstructing channels Log regulations Penalties	448	Lien not created against public vessels	469
Log regulations	448	Exemptions and limitations of liability Reports by Attorney General	469 469
Bridge spans	449 450	Reports by Attorney General	409
Application act to Virgin Islands	451	Chapter XL.—New York Harbor	
Bridge piers and abutments	451		
Drawbridges	451	Taking shellfish or otherwise interfering with	
Speed of vessels; navigation of canals	452 453	navigation in New York Harbor channels penalty; arrest and procedure	470
Potomac River.	454	Deposit of refuse in New York Harbor and	1,0
Mississippi River passes	454	adjacent waters prohibited; penalty	470
		Liability of officers of towing vessel	471
Chapter XXXVI.—Marine Casualties and		Permit for dumping; penalty for taking or towing boat or scow without permit; dump-	
Salvage		ing at other place than designated dumping	
Report of accidents; penalty	455	grounds; penalty; person liable; excuses for	
Report of probable loss of vessel	455	deviation	471
Collectors of customs to transmit reports to		Equipment and marking of boats or scows	472 472
Secretary of Commerce	455	Inspectors; appointment, powers, and duties.  Bribery of inspector; penalty	473
Remission and recovery of penalties	456	Return of permit; penalty for failure to return.	473
Reports by owners of damage to towed barges; Secretary of Commerce annual report to		Disposition of dredged matter; persons liable;	
Congress	4-01		473
	456	penalty; liability of vessol	
Canadian wrecks	456	Supervisor of harbor; appointment and duties.	474
Wrecking and salvaging treaty	456 456	Supervisor of harbor; appointment and duties.	
Wrecking and salvaging treaty Wrecks in foreign waters	456 456 457	Supervisor of harbor; appointment and duties.  Chapter XLI.—Inland Waterways	
Canadian wrecks Wrecking and salvaging treaty Wrecks in foreign waters Wrecks in Florida waters	456 456	Supervisor of harbor; appointment and duties.  Chapter XLI.—Inland Waterways  Government-owned boats on inland water-	474
Canadian wrecks Wrecking and salvaging treaty Wrecks in foreign waters. Wrecks in Florida waters. Forfeitures for taking wrecked property to foreign ports.	456 456 457 457 457	Supervisor of harbor; appointment and duties.  Chapter XLI.—Inland Waterways  Government-owned boats on inland waterways.	474 475
Canadian wrecks Wrecking and salvaging treaty Wrecks in foreign waters Wrecks in Florida waters Forfeitures for taking wrecked property to foreign ports License to wreckers on Florida coast.	456 456 457 457 457 457	Supervisor of harbor; appointment and duties.  Chapter XLI.—Inland Waterways  Government-owned boats on inland waterways  Inland Waterways Corporation	474
Canadian wrecks Wrecking and salvaging treaty Wrecks in foreign waters Wrecks in Florida waters Forfeitures for taking wrecked property to foreign ports License to wreckers on Florida coast Assistance and salvage at sea	456 457 457 457 457 457 457	Chapter XLI.—Inland Waterways  Government-owned boats on inland waterways  Inland Waterways Corporation  Capital stock  Operation of transportation and terminal facili-	474 475 476 476
Canadian wrecks Wrecking and salvaging treaty Wrecks in foreign waters Wrecks in Florida waters Forfeitures for taking wrecked property to foreign ports License to wreckers on Florida coast Assistance and salvage at sea Duty of master to assist persons in danger Salvars of life to share in remuneration	456 457 457 457 457 457 457 458	Supervisor of harbor; appointment and duties.  Chapter XLI.—Inland Waterways  Government-owned boats on inland waterways.  Inland Waterways Corporation.  Capital stock.	474 475 476
Canadian wrecks Wrecking and salvaging treaty Wrecks in foreign waters Wrecks in Florida waters Forfeitures for taking wrecked property to foreign ports License to wreckers on Florida coast Assistance and salvage at sea Duty of master to assist persons in danger Salvars of life to share in remuneration	456 456 457 457 457 457 457 458 458 458	Supervisor of harbor; appointment and duties.  Chapter XLI.—Inland Waterways  Government-owned boats on inland waterways.  Inland Waterways Corporation  Capital stock.  Operation of transportation and terminal facilities; application of other laws	474 475 476 476
Canadian wrecks Wrecking and salvaging treaty Wrecks in foreign waters Wrecks in Florida waters Forfeitures for taking wrecked property to foreign ports License to wreckers on Florida coast Assistance and salvage at sea Duty of master to assist persons in danger Salvars of life to share in remuneration	456 456 457 457 457 457 457 458 458 458 458	Chapter XLI.—Inland Waterways  Government-owned boats on inland waterways  Inland Waterways Corporation  Capital stock  Operation of transportation and terminal facili-	474 475 476 476
Canadian wrecks Wrecking and salvaging treaty Wrecks in foreign waters. Wrecks in Florida waters. Forfeitures for taking wrecked property to foreign ports. License to wreckers on Florida coast. Assistance and salvage at sea Duty of master to assist persons in danger.	456 456 457 457 457 457 457 458 458 458	Supervisor of harbor; appointment and duties.  Chapter XLI.—Inland Waterways  Government-owned boats on inland waterways. Inland Waterways Corporation. Capital stock. Operation of transportation and terminal facilities; application of other laws  Chapter XLII.—Northern Pacific Halibut Act	474 475 476 476 476
Canadian wrecks Wrecking and salvaging treaty Wrecks in foreign waters Wrecks in Florida waters Forfeitures for taking wrecked property to foreign ports. License to wreckers on Florida coast Assistance and salvage at sea Duty of master to assist persons in danger. Salvors of life to share in remuncration Time limit for salvage suits. Applicability to ships of war. Salvage service.	456 456 457 457 457 457 457 458 458 458 458	Supervisor of harbor; appointment and duties.  Chapter XLI.—Inland Waterways  Government-owned boats on inland waterways. Inland Waterways Corporation Capital stock.  Operation of transportation and terminal facilities; application of other laws  Chapter XLII.—Northern Pacific Halibut Act  Title.  Definitions	474 475 476 476 476
Canadian wrecks Wrecking and salvaging treaty Wrecks in foreign waters Wrecks in Florida waters Forfeitures for taking wrecked property to foreign ports License to wreckers on Florida coast Assistance and salvage at sea Duty of master to assist persons in danger Salvars of life to share in remuneration	456 456 457 457 457 457 457 458 458 458 458	Supervisor of harbor; appointment and duties.  Chapter XLI.—Inland Waterways  Government-owned boats on inland waterways. Inland Waterways Corporation Capital stock.  Operation of transportation and terminal facilities; application of other laws  Chapter XLII.—Northern Pacific Halibut Act  Title.  Definitions	474 475 476 476 476 480 480 480
Canadian wrecks Wrecking and salvaging treaty Wrecks in foreign waters. Wrecks in Florida waters. Forfeitures for taking wrecked property to foreign ports. License to wreckers on Florida coast. Assistance and salvage at sea. Duty of master to assist persons in danger. Salvors of life to share in remuneration. Time limit for salvage suits. Applicability to ships of war. Salvage service.  Chapter XXXVII.—Marine Casualty Investigation Boards	456 456 457 457 457 457 457 458 458 458 458 458	Supervisor of harbor; appointment and duties.  Chapter XLI.—Inland Waterways  Government-owned boats on inland waterways.  Inland Waterways Corporation.  Capital stock.  Operation of transportation and terminal facilities; application of other laws.  Chapter XLII.—Northern Pacific Halibut Act  Title.  Defluitions.  Acts unlawf:  Records and reports of master of owner.	474 475 476 476 476 480 480
Canadian wrecks. Wrecking and salvaging treaty. Wrecks in foreign waters. Wrecks in Florida waters. Wrecks in Florida waters. Forfeitures for taking wrecked property to foreign ports. License to wreckers on Florida coast. Assistance and salvage at sea. Duty of master to assist persons in danger. Salvors of life to share in remuneration. Time limit for salvage suits. Applicability to ships of war. Salvage service.  Chapter XXXVII.—Marine Casualty Investigation Boards  Casualty involving loss of life.	456 456 457 457 457 457 458 458 458 458 458 458	Supervisor of harbor; appointment and duties.  Chapter XLI.—Inland Waterways  Government-owned boats on inland waterways  Inland Waterways Corporation.  Capital stock.  Operation of transportation and terminal facilities; application of other laws.  Chapter XLII.—Northern Pacific Halibut Act  Title	474 475 476 476 476 480 480 481
Canadian wrecks Wrecking and salvaging treaty Wrecks in foreign waters Wrecks in Florida waters Forfeitures for taking wrecked property to foreign ports License to wreckers on Florida coast Assistance and salvage at sea Duty of master to assist persons in danger Salvors of life to share in remuncration Time limit for salvage suits Applicability to ships of war Salvage service Chapter XXXVII.—Marine Casualty Investigation Boards Casualty involving loss of life Casualty not involving loss of life	456 456 457 457 457 457 457 458 458 458 458 458	Supervisor of harbor; appointment and duties.  Chapter XLI.—Inland Waterways  Government-owned boats on inland waterways.  Inland Waterways Corporation.  Capital stock.  Operation of transportation and terminal facilities; application of other laws.  Chapter XLII.—Northern Pacific Halibut Act  Title.  Definitions.  Acts unlawf :!  Records and reports of master or owner.  Enforcement; arrest and seizure; detention; testimony of officers.	474 475 476 476 476 480 480 481 481
Canadian wrecks Wrecking and salvaging treaty Wrecks in foreign waters. Wrecks in Florida waters. Wrecks in Florida waters. Forfeitures for taking wrecked property to foreign ports. License to wreckers on Florida coast. Assistance and salvage at sea. Duty of master to assist persons in danger. Salvors of life to share in remuneration. Time limit for salvage suits. Applicability to ships of war. Salvage service.  Chapter XXXVII.—Marine Casualty Investigation Boards  Casualty involving loss of life. Casualty not involving loss of life. Employment of assistants by boards; compen-	456 456 457 457 457 457 458 458 458 458 458 458	Supervisor of harbor; appointment and duties.  Chapter XLI.—Inland Waterways  Government-owned boats on inland waterways. Inland Waterways Corporation Capital stock. Operation of transportation and terminal facilities; application of other laws  Chapter XLII.—Northern Pacific Halibut Act  Title. Definitions. Acts unlawf: Records and reports of master or owner. Enforcement; arrest and seizure; detention; testimony of officers. Penalties and forfeitures.	474 475 476 476 476 480 480 481
Canadian wrecks Wrecking and salvaging treaty Wrecks in foreign waters. Wrecks in Florida waters. Wrecks in Florida waters. Forfeitures for taking wrecked property to foreign ports. License to wreckers on Florida coast. Assistance and salvage at sea. Duty of master to assist persons in danger. Salvors of life to share in remuneration. Time limit for salvage suits. Applicability to ships of war. Salvage service.  Chapter XXXVII.—Marine Casualty Investigation Boards  Casualty involving loss of life. Casualty involving loss of life. Employment of assistants by boards; compensation of boards. Immediate investigation of conduct; violations	456 456 457 457 457 457 457 458 458 458 458 458 459 460	Supervisor of harbor; appointment and duties.  Chapter XLI.—Inland Waterways  Government-owned boats on inland waterways. Inland Waterways Corporation Capital stock. Operation of transportation and terminal facilities; application of other laws  Chapter XLII.—Northern Pacific Halibut Act  Title. Definitions Acts unlawf: Records and reports of master or owner Enforcement; arrest and seizure; detention; testimony of officers. Penalties and forfeitures. Penalties relative to records and reports. Exemption of commission.	474 475 476 476 476 480 480 481 481 482 483
Canadian wrecks. Wrecking and salvaging treaty. Wrecks in foreign waters. Wrecks in Florida waters. Wrecks in Florida waters. Forfeitures for taking wrecked property to foreign ports. License to wreckers on Florida coast. Assistance and salvage at sea. Duty of master to assist persons in danger. Salvars of life to share in remuneration. Time limit for salvage suits. Applicability to ships of war. Salvage service.  Chapter XXXVII.—Marine Casualty Investigation Boards  Casualty involving loss of life. Casualty not involving loss of life. Employment of assistants by boards; compensation of boards. Immediate investigation of conduct; violations and casualities; right to counsel.	456 456 457 457 457 457 458 458 458 458 458 458 458 458 459 460 460	Supervisor of harbor; appointment and duties.  Chapter XLI.—Inland Waterways  Government-owned boats on inland waterways  Inland Waterways Corporation.  Capital stock.  Operation of transportation and terminal facilities; application of other laws.  Chapter XLII.—Northern Pacific Halibut Act  Title.  Defluitions.  Acts unlawf !!  Records and reports of master of owner.  Enforcement; arrest and seizure; detention; testimony of officers.  Penalties and forfeitures.  Penalties relative to records and reports.  Exemption of commission.  Rules and regulations.	474 475 476 476 476 480 480 481 481 482 483 483 483
Canadian wrecks. Wrecking and salvaging treaty. Wrecks in foreign waters. Wrecks in Florida waters. Forfeitures for taking wrecked property to foreign ports. License to wreckers on Florida coast. Assistance and salvage at sea Duty of master to assist persons in danger. Salvors of life to share in remuncration. Time limit for salvage suits. Applicability to ships of war. Salvage service.  Chapter XXXVII.—Marine Casualty Investigation Boards  Casualty involving loss of life. Casualty involving loss of life. Employment of assistants by boards; compensation of boards. Immediate investigation of conduct; violations and casualties; right to counsel. Witnesses; subpense; oaths.	456 456 457 457 457 457 458 458 458 458 458 459 460 460 460	Supervisor of harbor; appointment and duties.  Chapter XLI.—Inland Waterways  Government-owned boats on inland waterways. Inland Waterways Corporation Capital stock. Operation of transportation and terminal facilities; application of other laws  Chapter XLII.—Northern Pacific Halibut Act  Title. Definitions Acts unlawf: Records and reports of master or owner Enforcement; arrest and seizure; detention; testimony of officers. Penalties and forfeitures. Penalties relative to records and reports. Exemption of commission.	474 475 476 476 476 480 480 481 481 482 483
Canadian wrecks. Wrecking and salvaging treaty. Wrecks in foreign waters. Wrecks in Florida waters. Forfeitures for taking wrecked property to foreign ports. License to wreckers on Florida coast. Assistance and salvage at sea Duty of master to assist persons in danger. Salvors of life to share in remuncration. Time limit for salvage suits. Applicability to ships of war. Salvage service.  Chapter XXXVII.—Marine Casualty Investigation Boards  Casualty involving loss of life. Casualty not involving loss of life. Employment of assistants by boards; compensation of boards. Immediate investigation of conduct; violations and casualties; right to counsel. Witnesses; subpenss; oaths. Payment of witness fees and expenses. Suspension or revocation of license or certifi-	456 456 457 457 457 457 458 458 458 458 458 458 458 458 459 460 460	Supervisor of harbor; appointment and duties.  Chapter XLI.—Inland Waterways  Government-owned boats on inland waterways.  Inland Waterways Corporation Capital stock.  Operation of transportation and terminal facilities; application of other laws  Chapter XLII.—Northern Pacific Halibut Act  Title.  Definitions.  Acts unlawf : 1.  Records and reports of master or owner. Enforcement; arrest and seizure; detention; testimony of officers. Penalties and forfeitures. Penalties relative to records and reports. Exemption of commission. Rules and regulations Effective date.	474 475 476 476 476 480 480 481 481 482 483 483 483
Canadian wrecks. Wrecking and salvaging treaty. Wrecks in foreign waters. Wrecks in Florida waters. Forfeitures for taking wrecked property to foreign ports. License to wreckers on Florida coast. Assistance and salvage at sea. Duty of master to assist persons in danger. Salvors of life to share in remuneration. Time limit for salvage suits. Applicability to ships of war. Salvage service.  Chapter XXXVII.—Marine Casualty Investigation Boards Casualty involving loss of life. Casualty involving loss of life. Employment of assistants by boards; compensation of boards. Immediate investigation of conduct; violations and casualties; right to counsel. Witnesses; subpenss; oaths. Payment of witness fees and expenses. Suspension or revocation of license or certificate; appeals.	456 456 457 457 457 457 458 458 458 458 458 459 460 460 460	Supervisor of harbor; appointment and duties.  Chapter XLI.—Inland Waterways  Government-owned boats on inland waterways.  Inland Waterways Corporation Capital stock.  Operation of transportation and terminal facilities; application of other laws  Chapter XLII.—Northern Pacific Halibut Act  Title.  Defluitions Acts unlawf :1.  Records and reports of master or owner Enforcement; arrest and seizure; detention; testimony of officers. Penalties and forfeitures. Penalties relative to records and reports. Exemption of commission.  Rules and regulations.  Effective date.  Chapter XLIII.—The Whaling Treaty Act	474 475 476 476 476 480 480 481 481 482 483 483 483 483
Canadian wrecks. Wrecks in foreign waters. Wrecks in foreign waters. Wrecks in Florida waters. Forfeitures for taking wrecked property to foreign ports. License to wreckers on Florida coast. Assistance and salvage at sea. Duty of master to assist persons in danger. Salvors of life to share in remuneration. Time limit for salvage suits. Applicability to ships of war. Salvage service.  Chapter XXXVII.—Marine Casualty Investigation Boards  Casualty involving loss of life. Casualty not involving loss of life. Employment of assistants by boards; compensation of boards. Immediate investigation of conduct; violations and casualties; right to counsel. Witnesses; subpenss; oaths. Payment of witness fees and expenses Suspension or revocation of license or certificate; appeals	456 456 457 457 457 457 457 458 458 458 458 458 459 460 460 460 461 461	Supervisor of harbor; appointment and duties.  Chapter XLI.—Inland Waterways  Government-owned boats on inland waterways  Inland Waterways Corporation.  Capital stock.  Operation of transportation and terminal facilities; application of other laws.  Chapter XLII.—Northern Pacific Halibut Act  Title	474 475 476 476 476 480 480 481 481 482 483 483 483
Canadian wrecks. Wrecking and salvaging treaty. Wrecks in foreign waters. Wrecks in Florida waters. Forfeitures for taking wrecked property to foreign ports. License to wreckers on Florida coast. Assistance and salvage at sea Duty of master to assist persons in danger. Salvors of life to share in remuncration. Time limit for salvage suits. Applicability to ships of war. Salvage service.  Chapter XXXVII.—Marine Casualty Investigation Boards  Casualty involving loss of life. Casualty involving loss of life. Employment of assistants by boards; compensation of boards. Immediate investigation of conduct; violations and casualties; right to counsel. Witnesses; subpense, oaths. Payment of witness fees and expenses. Suspension or revocation of license or certificate; appeals. Evidence of criminal liability to be forwarded to Attorney General.	456 456 457 457 457 457 458 458 458 458 458 458 459 460 460 460 461	Chapter XLI.—Inland Waterways  Government-owned boats on inland waterways  Government-owned boats on inland waterways  Linland Waterways Corporation  Capital stock.  Operation of transportation and terminal facilities; application of other laws  Chapter XLII.—Northern Pacific Halibut Act  Title.  Definitions.  Acts unlawf il.  Records and reports of master or owner.  Enforcement; arrest and seizure; detention; testimony of officers.  Penalties and forfeitures.  Penalties relative to records and reports.  Exemption of commission.  Rules and regulations  Effective date.  Chapter XLIII.—The Whaling Treaty Act  Title.  Right whales and young of any whale; hunt-	474 475 476 476 476 480 480 481 481 482 483 483 483 483
Canadian wrecks. Wrecking and salvaging treaty. Wrecks in foreign waters. Wrecks in Florida waters. Forfeitures for taking wrecked property to foreign ports. License to wreckers on Florida coast. Assistance and salvage at sea Duty of master to assist persons in danger. Salvors of life to share in remuncration. Time limit for salvage suits. Applicability to ships of war. Salvage service.  Chapter XXXVII.—Marine Casualty Investigation Boards  Casualty involving loss of life. Casualty involving loss of life. Employment of assistants by boards; compensation of boards. Immediate investigation of conduct; violations and casualties; right to counsel. Witnesses; subpenso; oaths. Payment of witness fees and expenses. Suspension or revocation of license or certificate; appeals. Evidence of criminal liability to be forwarded to Attorney General. Coercion or bribery of witness; penalty; prosecution.	456 456 457 457 457 457 457 458 458 458 458 458 459 460 460 460 461 461	Supervisor of harbor; appointment and duties.  Chapter XLI.—Inland Waterways  Government-owned boats on inland waterways  Inland Waterways Corporation.  Capital stock. Operation of transportation and terminal facilities; application of other laws.  Chapter XLII.—Northern Pacific Halibut Act  Title. Definitions. Acts unlawfil. Records and reports of master or owner. Enforcement; arrest and seizure; detention; testimony of officers. Penalties and forfeitures. Penalties relative to records and reports. Exemption of commission. Rules and regulations. Effective date.  Chapter XLIII.—The Whaling Treaty Act  Title.  Right whales and young of any whale; hunting, etc., prohibited except under regulations.	474 475 476 476 476 480 480 481 481 482 483 483 483 483 484
Canadian wrecks. Wrecking and salvaging treaty. Wrecks in foreign waters. Wrecks in Florida waters. Forfeitures for taking wrecked property to foreign ports. License to wreckers on Florida coast. Assistance and salvage at sea. Duty of master to assist persons in danger. Salvors of life to share in remuneration. Time limit for salvage suits. Applicability to ships of war. Salvage service.  Chapter XXXVII.—Marine Casualty Investigation Boards  Casualty involving loss of life. Casualty not involving loss of life. Casualty not involving loss of life. Employment of assistants by boards; compensation of boards. Immediate investigation of conduct; violations and casualties; right to counsel. Witnesses; subpenss; oaths. Payment of witness fees and expenses. Suspension or revocation of license or certificate; appeals. Evidence of criminal liability to be forwarded to Attorney General Coercion or bribery of witness; penalty; prose-	456 456 457 457 457 457 457 458 458 458 459 460 460 461 461 461	Supervisor of harbor; appointment and duties.  Chapter XLI.—Inland Waterways  Government-owned boats on inland waterways.  Inland Waterways Corporation Capital stock.  Operation of transportation and terminal facilities; application of other laws  Chapter XLII.—Northern Pacific Halibut Act  Title.  Definitions.  Acts unlawf el.  Records ano reports of master or owner. Enforcement; arrest and seizure; detention; testimony of officers. Penalties and forfeitures. Penalties relative to records and reports. Exemption of commission. Rules and regulations Effective date.  Chapter XLIII.—The Whaling Treaty Act  Title.  Right whales and young of any whale; hunting, etc., prohibited except under regulations Calves or females accompanied by calves.	474 475 476 476 476 480 480 480 481 481 482 483 483 483 483 484 484
Canadian wrecks. Wrecking and salvaging treaty. Wrecks in foreign waters. Wrecks in Florida waters. Forfeitures for taking wrecked property to foreign ports. License to wreckers on Florida coast. Assistance and salvage at sea Duty of master to assist persons in danger. Salvors of life to share in remuncration. Time limit for salvage suits. Applicability to ships of war. Salvage service.  Chapter XXXVII.—Marine Casualty Investigation Boards  Casualty involving loss of life. Casualty involving loss of life. Employment of assistants by boards; compensation of boards. Immediate investigation of conduct; violations and casualties; right to counsel. Witnesses; subpenss; oaths. Payment of witness fees and expenses. Suspension or revocation of license or certificate; appeals. Evidence of criminal liability to be forwarded to Attorney General Coercion or bribery of witness; penalty; prosecution. Rules and regulations	456 456 457 457 457 457 457 458 458 458 458 458 458 460 460 460 461 461 461 462	Supervisor of harbor; appointment and duties.  Chapter XLI.—Inland Waterways  Government-owned boats on inland waterways  Inland Waterways Corporation.  Capital stock. Operation of transportation and terminal facilities; application of other laws.  Chapter XLII.—Northern Pacific Halibut Act  Title	474 475 476 476 476 480 480 481 481 482 483 483 483 483 484
Canadian wrecks. Wrecking and salvaging treaty. Wrecks in foreign waters. Wrecks in Florida waters. Forfeitures for taking wrecked property to foreign ports. License to wreckers on Florida coast. Assistance and salvage at sea Duty of master to assist persons in danger. Salvors of life to share in remuncration. Time limit for salvage suits. Applicability to ships of war. Salvage service.  Chapter XXXVII.—Marine Casualty Investigation Boards  Casualty involving loss of life. Casualty involving loss of life. Employment of assistants by boards; compensation of boards. Immediate investigation of conduct; violations and casualties; right to counsel. Witnesses; subpenses, oaths. Payment of witness fees and expenses. Suspension or revocation of license or certificate; appeals. Evidence of criminal liability to be forwarded to Attorney General. Coercion or bribery of witness; penalty; prosecution. Rules and regulations  Chapter XXXVIII.—Suits in Admiralty	456 456 457 457 457 457 457 458 458 458 458 458 458 460 460 460 461 461 461 462	Chapter XLI.—Inland Waterways  Government-owned boats on inland waterways  Government-owned boats on inland waterways  Inland Waterways Corporation Capital stock Operation of transportation and terminal facilities; application of other laws  Chapter XLII.—Northern Pacific Halibut Act  Title. Definitions Acts unlawf :1 Records and reports of master or owner Enforcement; arrest and seizure; detention; testimony of officers. Penalties and forfeitures. Penalties relative to records and reports. Exemption of commission. Rules and regulations. Effective date.  Chapter XLIII.—The Whaling Treaty Act  Title Right whales and young of any whale; hunting, etc., prohibited except under regulations. Calves or females accompanied by calves "Right whales" and "Calves" defined. Regulations for whaling; statistical and biolog-	474 475 476 476 476 480 480 480 481 481 482 483 483 483 483 484 484 484
Canadian wrecks. Wrecking and salvaging treaty. Wrecks in foreign waters. Wrecks in Florida waters. Forfeitures for taking wrecked property to foreign ports. License to wreckers on Florida coast. Assistance and salvage at sea Duty of master to assist persons in danger. Salvors of life to share in remuncration. Time limit for salvage suits. Applicability to ships of war. Salvage service.  Chapter XXXVII.—Marine Casualty Investigation Boards  Casualty involving loss of life. Casualty involving loss of life. Employment of assistants by boards; compensation of boards. Immediate investigation of conduct; violations and casualties; right to counsel. Witnesses; subpenses, oaths. Payment of witness fees and expenses. Suspension or revocation of license or certificate; appeals. Evidence of criminal liability to be forwarded to Attorney General. Coercion or bribery of witness; penalty; prosecution. Rules and regulations  Chapter XXXVIII.—Suits in Admiralty Act	456 456 457 457 457 457 457 458 458 458 458 458 458 460 460 460 461 461 461 462	Supervisor of harbor; appointment and duties.  Chapter XLI.—Inland Waterways  Government-owned boats on inland waterways.  Inland Waterways Corporation Capital stock.  Operation of transportation and terminal facilities; application of other laws.  Chapter XLII.—Northern Pacific Halibut Act  Title.  Defluitions. Acts unlawf :1.  Records and reports of master or owner Enforcement; arrest and seizure; detention; testimony of officers. Penalties and forfeitures. Penalties relative to records and reports. Exemption of commission. Rules and regulations. Effective date.  Chapter XLIII.—The Whaling Treaty Act  Title. Right whales and young of any whale; hunting, etc., prohibited except under regulations. Calves or females accompanied by calves.  "Right whales" and "Calves" defined. Regulations for whaling; statistical and biological data Utilization of carcass.	474 475 476 476 476 480 480 480 481 481 482 483 483 483 483 484 484
Canadian wrecks. Wrecks in foreign waters. Wrecks in foreign waters. Wrecks in Florida waters. Forfeitures for taking wrecked property to foreign ports. License to wreckers on Florida coast. Assistance and salvage at sea. Duty of master to assist persons in danger. Salvors of life to share in remuneration. Time limit for salvage suits. Applicability to ships of war. Salvage service.  Chapter XXXVII.—Marine Casualty Investigation Boards  Casualty involving loss of life. Casualty not involving loss of life. Casualty not involving loss of life. Employment of assistants by boards; compensation of boards. Immediate investigation of conduct; violations and casualties; right to counsel. Witnesses; subpenss; oaths. Payment of witness fees and expenses. Suspension or revocation of license or certificate; appeals. Evidence of criminal liability to be forwarded to Attorney General Coercion or bribery of witness; penalty; prosecution. Rules and regulations.  Chapter XXXVIII.—Suits in Admiralty Act	456 456 457 457 457 457 457 458 458 458 458 458 460 460 461 461 461 462 462	Supervisor of harbor; appointment and duties.  Chapter XLI.—Inland Waterways  Government-owned boats on inland waterways.  Inland Waterways Corporation Capital stock.  Operation of transportation and terminal facilities; application of other laws  Chapter XLII.—Northern Pacific Halibut Act  Title.  Definitions.  Acts unlawf : 1.  Records and reports of master or owner. Enforcement; arrest and seizure; detention; testimony of officers. Penalties and forfeitures. Penalties relative to records and reports. Exemption of commission. Rules and regulations Effective date.  Chapter XLIII.—The Whaling Treaty Act  Title.  Right whales and young of any whale; hunting, etc., prohibited except under regulations Calves or females accompanied by calves.  "Right whales" and "Calves" defined.  Regulations for whaling; statistical and biological data Utilization of carcass.  Gray whales; killing whales for sport; pro-	474 475 476 476 476 480 480 481 481 482 483 483 483 483 484 484 484 484 484 484
Canadian wrecks. Wrecking and salvaging treaty. Wrecks in foreign waters. Wrecks in Florida waters. Forfeitures for taking wrecked property to foreign ports. License to wreckers on Florida coast. Assistance and salvage at sea Duty of master to assist persons in danger. Salvors of life to share in remuncration. Time limit for salvage suits. Applicability to ships of war. Salvage service.  Chapter XXXVII.—Marine Casualty Investigation Boards  Casualty involving loss of life. Casualty involving loss of life. Employment of assistants by boards; compensation of boards. Immediate investigation of conduct, violations and casualties; right to counsel. Witnesses; subpenss; oaths. Payment of witness fees and expenses. Suspension or revocation of license or certificate; appeals. Evidence of criminal liability to be forwarded to Attorney General. Coercion or bribery of witness; penalty; prosecution. Rules and regulations  Chapter XXXVIII.—Suits in Admiralty Act  Exemption of United States vessels and cargoes from arrest or seizuro.	456 456 457 457 457 457 457 458 458 458 458 458 458 459 460 460 461 461 462 462 463	Chapter XLI.—Inland Waterways  Government-owned boats on inland waterways  Government-owned boats on inland waterways  Inland Waterways Corporation.  Capital stock. Operation of transportation and terminal facilities; application of other laws.  Chapter XLII.—Northern Pacific Halibut Act  Title Definitions. Acts unlawf i! Records and reports of master or owner. Enforcement; arrest and seizure; detention; testimony of officers Penalties and forfeitures. Penalties relative to records and reports Exemption of commission. Rules and argulations. Effective date.  Chapter XLIII.—The Whaling Treaty Act  Title. Right whales and young of any whale; hunting, etc., prohibited except under regulations. Calves or females accompanied by calves. "Right whales" and "Calves" defined. Regulations for whaling; statistical and biological data. Utilization of carcass. Oray whales; killing whales for sport; prohibited.	474 475 476 476 476 480 480 481 481 482 483 483 483 483 484 484 484 484 484 484
Canadian wrecks. Wrecking and salvaging treaty. Wrecks in foreign waters. Wrecks in Florida waters. Forfeitures for taking wrecked property to foreign ports. License to wreckers on Florida coast. Assistance and salvage at sea Duty of master to assist persons in danger. Salvors of life to share in remuncration. Time limit for salvage suits. Applicability to ships of war. Salvage service.  Chapter XXXVII.—Marine Casualty Investigation Boards  Casualty involving loss of life. Casualty involving loss of life. Employment of assistants by boards; compensation of boards.  Immediate investigation of conduct; violations and casualties; right to counsel. Witnesses; subpenss; oaths. Payment of witness fees and expenses. Suspension or revocation of license or certificate; appeals. Evidence of criminal liability to be forwarded to Attorney General. Coercion or bribery of witness; penalty; prosecution. Rules and regulations  Chapter XXXVIII.—Suits in Admiralty Act  Exemption of United States vessels and cargoes from arrest or seizuro. Libel in personam. Procedure in cases of	456 456 457 457 457 457 457 458 458 458 458 458 459 460 460 461 461 462 462 463 463 463	Chapter XLI.—Inland Waterways  Government-owned boats on inland waterways  Government-owned boats on inland waterways  Inland Waterways Corporation Capital stock.  Operation of transportation and terminal facilities; application of other laws  Chapter XLII.—Northern Pacific Halibut Act  Title.  Definitions. Acts unlawf :1.  Records and reports of master or owner. Enforcement; arrest and seizure; detention; testimony of officers. Penalties and forfeitures. Penalties relative to records and reports. Exemption of commission. Rules and regulations  Effective date.  Chapter XLIII.—The Whaling Treaty Act  Title.  Right whales and young of any whale; hunting, etc., prohibited except under regulations  Calves or females accompanied by calves.  "Right whales" and "Calves" defined.  Regulations for whaling; statistical and biological data  Utilization of carcass.  Oray whales; killing whales for sport; prohibited.  Licenses: applications; fees.	474 475 476 476 476 480 480 481 481 482 483 483 483 483 484 484 484 484 484 484
Canadian wrecks. Wrecking and salvaging treaty. Wrecks in foreign waters. Wrecks in Florida waters. Forfeitures for taking wrecked property to foreign ports. License to wreckers on Florida coast. Assistance and salvage at sea Duty of master to assist persons in danger. Salvors of life to share in remuncration. Time limit for salvage suits. Applicability to ships of war. Salvage service.  Chapter XXXVII.—Marine Casualty Investigation Boards  Casualty involving loss of life. Casualty involving loss of life. Employment of assistants by boards; compensation of boards. Immediate investigation of conduct; violations and casualties; right to counsel. Witnesses; subpenses, oaths. Payment of witness fees and expenses. Suspension or revocation of license or certificate; appeals. Evidence of criminal liability to be forwarded to Attorney General. Coercion or bribery of witness; penalty; prosecution.  Chapter XXXVIII.—Suits in Admiralty Act  Exemption of United States vessels and cargoes from arrest or seizuro. Libel in personan. Procedure in cases of Release of privately owned vessel after seizure.	456 456 457 457 457 457 457 458 458 458 458 458 458 459 460 460 461 461 462 462 463	Supervisor of harbor; appointment and duties.  Chapter XLI.—Inland Waterways  Government-owned boats on inland waterways  Inland Waterways Corporation Capital stock.  Operation of transportation and terminal facilities; application of other laws  Chapter XLII.—Northern Pacific Halibut Act  Title.  Defluitions Acts unlawf :1  Records and reports of master or owner Enforcement; arrest and seizure; detention; testimony of officers. Penalties and forfeitures. Penalties relative to records and reports. Exemption of commission. Rules and regulations Effective date.  Chapter XLIII.—The Whaling Treaty Act  Title.  Right whales and young of any whale; hunting, etc., prohibited except under regulations  ("Right whales" and "Calves" defined.  Regulations for whaling; statistical and biological data  Utilization of carcass.  Oray whales; killing whales for sport; prohibited  Licenses; applications; fees.  Enforcement of act; seizure and forfeiture of vessels.	474 475 476 476 476 480 480 481 481 482 483 483 483 483 484 484 484 484 484 484
Canadian wrecks. Wrecks in foreign waters. Wrecks in foreign waters. Wrecks in Florida waters. Forfeitures for taking wrecked property to foreign ports. License to wreckers on Florida coast. Assistance and salvage at sea Duty of master to assist persons in danger. Salvage of life to share in remuncration Time limit for salvage suits. Applicability to ships of war. Salvage service.  Chapter XXXVII.—Marine Casualty Investigation Boards  Casualty involving loss of life. Casualty involving loss of life. Employment of assistants by boards; compensation of boards.  Immediate investigation of conduct; violations and casualties; right to counsel. Witnesses; subpenss; oaths. Payment of witness fees and expenses. Suspension or revocation of license or certificate; appeals. Evidence of criminal liability to be forwarded to Attorney General. Coercion or bribery of witness; penalty; prosecution. Rules and regulations  Chapter XXXVIII.—Suits in Admiralty Act  Exemption of United States vessels and cargoes from arrest or seizuro. Libel in personam. Procedure in cases of Release of privately owned vessel after seizure. Causes of action on which suits may be brought:	456 456 457 457 457 457 457 458 458 458 458 458 459 460 460 460 461 461 462 462 463 463 463 463 463 463 463 463	Chapter XLI.—Inland Waterways  Government-owned boats on inland waterways  Government-owned boats on inland waterways  Inland Waterways Corporation Capital stock.  Operation of transportation and terminal facilities; application of other laws  Chapter XLII.—Northern Pacific Halibut Act  Title.  Defluitions.  Acts unlawf :!  Records and reports of master or owner. Enforcement; arrest and seizure; detention; testimony of officers. Penalties and forfeitures. Penalties relative to records and reports. Exemption of commission. Rules and regulations Effective date.  Chapter XLIII.—The Whaling Treaty Act  Title Right whales and young of any whale; hunting, etc., prohibited except under regulations. Calves or females accompanied by calves.  "Right whales" and "Calves" defined. Regulations for whaling; statistical and biological data Utilization of carcass. Gray whales; killing whales for sport; prohibited.  Licenses; applications; fees Enforcement of act; seizure and forfeiture of vessels.  Arrests, searches and seizures; forfeiture of	474 475 476 476 476 480 480 481 481 482 483 483 483 483 484 484 484 484 485 485 485
Canadian wrecks. Wrecking and salvaging treaty. Wrecks in foreign waters. Wrecks in Florida waters. Forfeitures for taking wrecked property to foreign ports. License to wreckers on Florida coast. Assistance and salvage at sea Duty of master to assist persons in danger. Salvors of life to share in remuncration. Time limit for salvage suits. Applicability to ships of war. Salvage service.  Chapter XXXVII.—Marine Casualty Investigation Boards  Casualty involving loss of life. Casualty involving loss of life. Employment of assistants by boards; compensation of boards. Immediate investigation of conduct; violations and casualties; right to counsel. Witnesses; subpenses, oaths. Payment of witness fees and expenses. Suspension or revocation of license or certificate; appeals. Evidence of criminal liability to be forwarded to Attorney General. Coercion or bribery of witness; penalty; prosecution.  Chapter XXXVIII.—Suits in Admiralty Act  Exemption of United States vessels and cargoes from arrest or seizuro. Libel in personan. Procedure in cases of Release of privately owned vessel after seizure.	456 456 457 457 457 457 457 458 458 458 459 459 460 460 460 461 461 462 463 463 463 463 463	Supervisor of harbor; appointment and duties.  Chapter XLI.—Inland Waterways  Government-owned boats on inland waterways  Inland Waterways Corporation Capital stock.  Operation of transportation and terminal facilities; application of other laws  Chapter XLII.—Northern Pacific Halibut Act  Title.  Defluitions Acts unlawf :1  Records and reports of master or owner Enforcement; arrest and seizure; detention; testimony of officers. Penalties and forfeitures. Penalties relative to records and reports. Exemption of commission. Rules and regulations Effective date.  Chapter XLIII.—The Whaling Treaty Act  Title.  Right whales and young of any whale; hunting, etc., prohibited except under regulations  ("Right whales" and "Calves" defined.  Regulations for whaling; statistical and biological data  Utilization of carcass.  Oray whales; killing whales for sport; prohibited  Licenses; applications; fees.  Enforcement of act; seizure and forfeiture of vessels.	474 475 476 476 480 480 481 481 482 483 483 483 484 484 484 484 484 484 484

	Page	Chapter XLVI.—Crimes	_
Natives or Eskimos; when permitted to engage			Page
in whaling	487 487	Jurisdiction Murder	509 509
Appropriations	487	Punishment; murder; manslaughter	509
		Manslaughter	510
Chapter XLIV.—Neutrality		Mayhem	510
A ceepting commission to serve against friendly		Arson • Robbery	510 510
power	488	Assault	510
Enlisting in foreign service; exception	488	Penalty for attempted murder or manslaugh-	
Arming vessel against friendly powers	488	ter	511
Arming vessel to cruise against citizens Augmenting force of foreign armed vessel	489 489	Carnal knowledge	511 511
Organizing naval expedition against friendly	100	Seduction.	511
power	489	Seduction Disposal of fine; eviden, required	511
Enforcement by courts	489 490	Death from negligence, misconduct, etc Larceny	511 512
Compelling foreign vessels to depart————Bonds from armed vessels on clearing————	490	Receiver of stolen property	512
Detention by collector of customs	490	Obtaining money by false pretenses	512
Construction of chapter	491	Conspiracy	512
Enforcement of neutrality; withholding clear-	491	Perjury Forgery	513 513
Detention of armed vessels	491	Ill treatment of crew	513
Sending out armed vessel	492	Inciting mutiny on shipboard	513
Statement from master cargo will not be de-	492	Revolt and mutiny	514
livered to other vessels Forbidding departure of vessels	492	Barratry	514 514
Unlawful taking of vessel out of port	492	Wrecking	514
Vessels in ports of the United States in time of	409	Plundering vessel Breaking and entering vessel	515 515
national emergency	493	Destroying vessel at sea; owner	515
observe regulations	493	Destruction of vessel at sea by person other	010
Destruction of, injury to, or improper use of	100	than owner	515
Vessels	493 494	Receiving stolen goods; accessory after the	E11
Employment of army and navy to enforce Injuring vessels engaged in foreign commerce	494	fact	515
Interference with foreign commerce by violent		Reproduction official insignia prohlbited; penalty	516
means. "United States" defined.	494	Punishment	516
Seizure of arms and other articles intended for	494	Shipping packages in interstate commerce not plainly marked	516
export	494	Crimes deemed piracy	516
Warrant for detention	495	Seaman laying violent hands on commander.	517
Petition for restoration	495 495	Robbery on shore by piratical crew	517
Libel and sale Method of trial; right to jury trial; bond	290	Piracy under color of foreign commission	517 517
for redelivery	496	Piracy by aliens	
General extent of interference with foreign	406	cargo	517
trade Discretion of President	496 496	Confederating with pirates; confining master Definition "Vessel of the United States"	517 518
Use of armed forces in enforcement	496	Laws of States adopted for punishing wrongful	-
Neutrality Act, 1939	497	aets	518
Proclamation of a state of war between fereign states	497	Chapter XLVII.—Legal Procedure	
Commerce with states engaged in armed	10.	,	
conflict.	497	Place of trial	519
Combat areas	499 500	Offenses begun in one district and completed in another	519
American Red Cross	500	Suits for penalties and forfeitures	519
Arming of American merchant vessels pro-		Seizure Capture of property used In insurrection	519
hlbited	500	Capture of property used in insurrection    Seizures under various circumstances	519 519
Financial transactions Solleitation and collection of funds and	501	Seizure for forfeiture.	520
contributions	501	Property selzed under customs laws: bond	520
American republics	502	Sale after condemnation Bailing of property seized in vacation	521 521
Restrictions on use of American ports Submarines and armed merchant vessels	502 503	Seizures; claimant not entitled to, when	521
National Munitions Control Board	503	Seizures; double costs	522
Regulations	505	Several libels against vessel and cargo	522
Unlawful use of the American flag	505 505	Payment before possession of vessel	522 522
General penalty provision Definitions	505	Informers' and customs officers' awards	522
Separability of provisions	508	Compulsory production of books, invoices, or	***
Appropriations	506	papersOfficers and informers as witnesses	523 523
Repeals Short title	506 506	Summary trial	523
	300	Summary trial  Complaint and answer; jury trial  Amendments of complaint and adjournments.	52
Chapter XLV.—Piracy		Amendments of complaint and adjournments.	524 524
Use of public vessels to suppress piracy	507	Challenge to lurors	524
Seizure of piratical vessels	507	Limit of sentence	524
Resistance of pirates by merchant vessels	507	I Right of action: where and by whom brought.	524
Condemnation of piratical vessels.  Selzure and condemnation of vessels fitted	507	Amount and apportionment of recovery	525 525
out for piracy	503	Rights of action given by laws of foreign	020
out for piracy. Commissioning of private vessels for selzure		Limitations Rights of action given by laws of foreign countries Death of plaintiff pending action	523
of piratical vessels	508 508	Death of plaintiff pending action	521 521
Duty of customs officers and marshals to seize.	008	1 COMMINGROID HORIZOHOO	021

	Page	1	Page
Exceptions from operation of Act	525	Financing construction by applicant in lieu	•
Pending suits	526	of purchase from Commission: subsidy:	
Collector's reports	526	documentation	572
Prosecution	526	documentation	0.4
Custody	526	contracts	572
Appraisement	526	Operation of subsidy constructed vessel limited	
Value \$1,000 or less	527	to foreign trade; repayments to Commission	
Claims; judicial condemnation	527	for deviations	574
Summary forfeiture and sale	527	Construction of new vessel to replace obsolete;	
Value more than \$1,000	527	purchase of old vessel by Commission; bond	
Sale unlawful	527	of seller against liens	574
Summary sale	528	Disposition of vessels transferred to Commis-	0
Disposition of proceeds of forfcited property	528	sion by Department of Commerce	575
Release of seized property	529	Vessels to be operated in domestic trade; terms	
Burden of proof in forfeiture proceedings	529	and conditions of construction aid and sale	
Compromise of Government claims prohibited;		to applicant.	575
exception	530	Exchange of obsolete vessels	576
Compromise of Government claims by Secre-		Subsidy authorized for operation of vessels in	• • •
tary of Treasury	530	foreign trade	577
		Subsidy to meet indirect competition	578
Chapter XLVIII.—Consular Districts and		Contracts for payment of subsidy	578
Consular Officers of the United States		Additional subsidy; when authorized	579
		Vessels excluded from subsidy	579
Allocation of provinces, states, etc., to consu-		Readjustments; change in service; withdrawal	
lar districts	531	from service; payment of excess profits;	
		wages, etc.; American materials.	580
Chapter XLIX.—Consuls' Services to		Profits; reserve funds	582
Vessels		Sale or assignment of contract; consent of Com-	
Protests	550	mission; purchaser subject to terms of con-	
Lists and returns of scamen and vessels, etc	-550	tract; rescinding contract or transfer without	
Retention of papers of American vessels until	990	consent	585
payment of demands and wages	550	Withholding payment to defaulting contractor.	585
Payment of postage by consuls	550	Vessels eligible to subsidy	585
Fees for services to American vessels or seamen	000	Transfer of vessels to foreign registry on default	
prohibited	550	of United States	586
Profits from dealings with discharged seamen;	000	Subordination of Commission's interest to	
prohibition	551	Reconstruction Finance Corporation	586
Moneys received in trust by Secretary of State	551	Additional powers of Commission for comple-	
Naval officer acting as consul	551	tion of program	587
and the control downs and combarrance	001	Construction or reconditioning of vessels by	
Chapter L Merchant Marine Act, 1936,		Commission	587
as Amended		Competitive bidding; opening bids	587
		Charter or sale of vessels acquired by Com-	-
Fostering development and maintenance of		mission	587
merchant marine	552	Employment of vessels on foreign trade routes;	
United States Maritime Commission; officers		selection of routes; encouraging private	. 00
and employees	552	operation by sale or charter	588
Powers and functions of former Shipping		Advertising for bids for charters; rejection of	-00
Board transferred	554	bids	588
Merchant Fleet Corporation dissolved	554	Awarding charter on bids Payment of subsidies to charterers	589
Transfer of powers; rules and orders	554	Payment of subsidies to coarterers	589
Equality of rates as between ports	555	Excess profit; payment to Commission; for-	589
Construction fund transferred	556	mula for determining profit	590
Contractual power of Commission	556	Undertaking required of charterer	590
Reports to Congress	556	Terms and conditions of charters	000
Appropriations and unexpended balances		Insurance requirements; repairs; inspection	
survey of existing merchant marine for	557	by Commission; termination of charter in national emergency	590
	- 1	Financial resources and other factors consid-	000
creation of adequate American owned fleet	557	ered in awarding charters	590
Investigations, studies, records, etc.	558	ered in awarding charters	•
Maritime problems; cooperative with	000	unsuccessful routes under other provisions	591
others; discriminatory charges on ex-		Accounting methods; examination of accounts.	592
ports; recommendations	559	Purchase or requisition of vessels by United	
Obsolete tonnage; tramp service; relative		States; amount of payment	592
costs at yards	560	Pecuniary interest of contractor in subsid-	
Investigative powers of Commission	560	iary companies forbidden	593
Acquisition of vessels	561	Operating competing foreign-flag vessel for-	
Training and organization of merchant		bidden	593
marine personnel	561	Forbidden practices relating to coastwise	
Manning and wage scales	562	service, salaries, officers, and employees	593
Citizenship of officers and crew	563	Collusion with respect to bidding; fines and	
Termination of ocean mail contracts	564	penalties; conviction as rendering persons	
Adjustments of rights under terminated	- 1	ineligible to receive benefits of law	595
contracts	564	Regulation of lobbying	596
Credit of sum payable contractor on loans and		Cargo discrimination	596
mortgage notes	567	Contracts designed equitably for all ports;	***
ransier of powers under mail contracts to		preference to citizens of United States	596
Commission	567	Discriminatory and unfair practices	597
Vessels used for carrying mails; transportation	1	Travel by Government officials	597
of agents and employees of post office depart-		Requisition of vessels in time of emergency;	505
ment	567	payments	597
Subsidy authorized for vessels to be operated in		Acts and parts of acts repealed	599
foreign trade Construction of vessels; bids; subsidies	567	Words "United States Shipping Board" or	599
Documentation of completed	568	"Board" as applicable to Commission	599 599
Documentation of completed vessel under laws	- 1	Definitions	600
of United States; delivery to applicant; first	571	Separability clause; citation of act	600

Chapter LI.—Miscellaneous		1	Page
•	Page	Hospital ships	
Effect of repeal of Repealing Act	601	Designation of by President	608
Repeal of statutes as affecting existing lia-		Sponge fishing	609
hilities	601	Possession prima facie evidence.	608
bilities Life-saving Medals	601	Punishment for violations of law; liability of	1
Additional tokens of honor for repeated acts of		vessels	609
heroism	601	Jurisdiction of prosecutions	609
Bestowal of medal of second class	602	Enforcement by Secretary of Commerce	609
Bestowal on person other than member		Commercial cargoes consigned to Guam on	,
of Coast Guard	602	Army transports	609
School ships	602	Radio-communication apparatus.	609
Appropriations for nautical schools	602	Requirements as to efficiency of radio	)
Navy officers as superintendents or in-		apparatus	610
structors.	603		,
Instruction at military schools	603	steamers	610
Naval vessels as nautical school	603	Penalty for violating provisions as to	)
Remission or mitigation of penalties		radio apparatus	610
Award of compensation to informers	604	Regulations	610
United States officers	605	Equipment on ocean-going vessels using ports	3
Limitation of actions for violations customs		of Canal Zone	611
lawsGeneral statute of limitations	605	Jurisdiction of violation; penalties	. 611
General statute of limitations	605	Intimidation of witnesses before administra-	
Instruction in shipbuilding		tive tribunals	611
Export of arms to American countries.			
Penalty for exportation of munitions of war		Appendix	
Sale of arms and liquors to Pacific islanders			
Offenses deemed on high seas	606	Amendments to Communications Act 1934	612
Panama Canal	606	W-116 T-	
Reservation of right to discriminate in favor of American vessels		Table of Laws	
Regulations for operation of Canal gen-	607	Table A	623
arelly	607	Table B	633
erally	007	Table C	648
cargo, or passengers	607		
Employment of vessels of the United States		Index	
for public purposes	608	Alphabetical Index	673
tor become her become a reconstruction	300	·	010



### NAVIGATION LAWS OF THE UNITED STATES

Chapter I.—ORGANIC LAWS GOVERNING DEPARTMENT OF COMMERCE

Establishment of Department; Secretary.

Feb. 14, 1903, sec. 1 (5 U. S. C. 591). There shall be at the seat of government an executive department to be known as the Department of Commerce, and a Secretary of Commerce, who shall be the head thereof, who shall be appointed by the President, by and with the advice and consent of the Senate, and whose term and tenure of office shall be like that of the heads of the other executive departments; and the provisions of chapter 1 of title 5 shall be applicable to said department. The said Secretary shall cause a seal of office to be made for the said department of such device as the President shall approve, and judicial notice shall be taken of the said seal. (Mar. 4, 1913, sec. 1.)

#### Assistant Secretary of Commerce

Feb. 14, 1903, sec. 2 (5 U.S. C. 592). There shall be in said department an Assistant Secretary of Commerce, to be appointed by the President. He shall perform such duties as shall be prescribed by the Secretary or required by law. (Mar. 4, 1913.)

#### Additional Assistant Secretary of Commerce

May 20, 1926, sec. 8 (5 U. S. C. 592a). To aid the Secretary of Commerce in fostering air commerce, and to perform such functions vested in the Secretary under Chapter 6 of Title 49 as the Secretary may designate there shall be an additional Assistant Secretary of Commerce, who shall be appointed by the President, by and with the advice and consent of the Senate, and whose compensation shall be fixed in accordance with the provisions of the Act of March 4, 1923. (June 23, 1938, sec. 1107 (k).)

#### CHIEF CLERK AND SUPERINTENDENT

Feb. 14, 1903, sec. 2 (5 U. S. C. 593). There shall be in said Department a Chief Clerk and Superintendent, who shall be chief executive officer of the Department and who may be designated by the Secretary of Commerce to sign minor routine official papers and documents during the temporary absence of the Secretary and the Assistant Secretaries of the Department. (March 22, 1935, sec. 1; May 15, 1936, sec. 1; June 16, 1937, sec. 1; April 27, 1938, sec. 1.)

#### UNDER SECRETARY OF COMMERCE

June 5, 1939, sec. 1 (5 U. S. C. 591a). There is hereby established in the Department of Commerce the position of Under Secretary of Commerce with compensation at the rate of \$10,000 per annum and with appointment thereto by the President, by and with the advice and consent of the Senate.

June 5, 1939, sec. 2 (5 U. S. C. 591b). Such Under Secretary shall perform the duties of the Secretary of Commerce in the case of absence or sickness of the Secretary, or in the case of the death or

resignation of the Secretary until a successor is appointed.

June 5, 1939, sec. 3 (5 U. S. C. 592a-1). Whenever a vacancy shall occur in any one of the two positions of Assistant Secretary heretofore established in the Department of Commerce, such vacancy shall not be filled and there shall thereafter be only one position of Assistant Secretary in such Department.

#### PROVINCE AND DUTY

Feb. 14, 1903, sec. 3 (5 U. S. C. 596). It shall be the province and duty of said department to foster, promote, and develop the foreign and domestic commerce, the mining, manufacturing, shipping, and the transportation facilities of the United States; and to this end it shall be vested with jurisdiction and control of the departments, bureaus, offices, and branches of the public service hereinafter specified, and with such other powers and duties as may be prescribed by law. (Apr. 3, 1939.)

#### Bureaus in Department.

FEB. 14, 1903 (5 U. S. C. 597). The following-named officers, bureaus, divisions, and branches of the public service, and all that pertains to the same, shall be under the jurisdiction and supervision of the Department of Commerce: The Bureau of Marine Inspection and Navigation, the United States Shipping Commissioners, the National Bureau of Standards, the Bureau of Foreign and Domestic Commerce, the Census Office, the Inland Waterways Corporation, and the Patent Office. (Mar. 4, 1913, sec. 3; Jan. 5, 1923, sec. 1; June 30, 1932, sec. 502; Feb. 22, 1934, Ex. Or. 6611; May 27, 1936, sec. 1; April 3, 1939.)

Note.—Under the authority vested in him by the Reorganization Act of 1939, the President, by Executive Order, transferred the Bureau of Fisheries to the Department of the Interior; the Bureau of Lighthouses to the Treasury Department, Coast Guard Bureau; and the Inland Waterways Corporation from the War Department to the Department of Commerce.

#### Transfer of Records.

Feb. 14, 1903, sec. 4 (5 U. S. C. 598). The official records and papers now on file in and pertaining exclusively to the business of any bureau, office, department, or branch of the public service in this Act transferred to the Department of Commerce, together with the furniture now in use in such bureau, office, department, or branch of the public service, shall be, and hereby are, transferred to the Department of Commerce.

#### Statistical Information.

Feb. 14, 1903, sec. 4 (5 U. S. C. 601). The Secretary of Commerce shall have control of the work of gathering and distributing statistical information naturally relating to the subjects confided to his department; and he shall have the power and authority to rearrange the statistical work of the bureaus and offices confided to the Department of Commerce, and to consolidate any of the statistical bureaus and offices above described. He shall also have authority to call upon other departments of the Government for statistical data and results obtained by them; and he may collate, arrange, and publish such statistical information so obtained in such manner as to him may seem wise.

#### Charges for Services.

June 30, 1932, sec. 310 (5 U. S. C. 601a). The Secretary of Commerce shall make such charges as he deems reasonable for special statistical services; special commodity, technical, and regional news bulletins and periodical services; lists of foreign buyers, and World Trade Directory Reports, and the amounts collected therefrom shall be deposited in the Treasury as miscellaneous receipts.

#### SPECIAL STATISTICAL STUDIES ON REQUEST

MAY 27, 1935, sec. 1 (5 U. S. C. 601b). The Department of Commerce is authorized, within the discretion of the Secretary of Commerce, upon the written request of any person, firm, or corporation, to make special statistical studies relating to foreign trade, domestic trade, and other economic matters falling within the province of the Department of Commerce; to prepare from its records special statistical compilations; and to furnish transcripts of its studies, tables, and other records, upon the payment of the actual cost of such work by the person, firm, or corporation requesting it.

#### DISPOSITION OF MONEYS RECEIVED

May 27, 1935, sec. 2 (5 U.S. C. 601e). All moneys received after May 27, 1935, by the Department of Commerce in payment of the cost of such work shall be deposited in a special account to be administered under the direction of the Secretary of Commerce. These moneys may be used, in the discretion of the Secretary of Commerce, and notwithstanding any other provision of law, for the ordinary expenses incidental to the work and/or to secure in connection therewith the special services of persons who are neither officers nor employees of the United States.

#### Rules and Regulations; Annual Reports to Congress.

May 27, 1935, sec. 3 (5 U. S. C. 601d). The Secretary of Commerce shall prescribe rules and regulations for the enforcement of this act; and the Secretary of Commerce shall make a report to Congress, at the beginning of each regular session, giving a detailed statement showing (1) the name of every person, firm, or corporation for whom work has been performed under the authority of this statute; (2)

the nature of the services rendered to him; (3) the price charged for these services by the Department of Commerce; and (4) the manner in which the moneys received were deposited or used.

#### Annual and Special Reports.

Feb. 14, 1903, sec 8 (5 U. S. C. 604). The Secretary of Commerce shall annually, at the close of each fiscal year, make a report in writing to Congress, giving an account of all moneys received and disbursed by him and his department, and describing the work done by the department in fostering, promoting, and developing the foreign and domestic commerce, the mining, manufacturing, shipping, and fishery industries, and the transportation facilities, of the United States, and making such recommendations as he shall deem necessary for the effective performance of the duties and purposes of the department. He shall also from time to time make such special investigations and reports as he may be required to do by the President, or by either House of Congress, or which he himself may deem necessary and urgent.

#### Transfer of Duties, Power, and Authority.

Feb. 14, 1903, sec. 10 (5 U. S. C. 599). All duties performed and all power and authority now possessed or exercised by the head of any executive department in and over any bureau, office, officer, board, branch, or division of the public service transferred to the Department of Commerce, or any business arising therefrom or pertaining thereto, or in relation to the duties performed by and authority conferred by law upon such bureau, officer, office, board, branch, or division of the public service, whether of an appellate or revisory character or otherwise, shall hereafter be vested in and exercised by the head of the said Department of Commerce.

#### Merchant Vessels: Entrance and Clearance: Shipping.

Feb. 14, 1903, sec. 10 (5 U. S. C. 600). All duties, power, authority, and jurisdiction, whether supervisory, appellate, or otherwise, formerly imposed or conferred upon the Secretary of the Treasury by acts of Congress relating to merchant vessels or yachts, their measurement, numbers, names, registers, enrollments, licenses, commissions, records, mortgages, bills of sale, transfers, entry, clearance, movements and transportation of their cargoes and passengers, owners, officers, seamen, passengers, fees, inspection, equipment for the better security of life, and by acts of Congress relating to tonnage tax, boilers on steam vessels, the carrying of inflammable, explosive or dangerous cargo on vessels, the use of petroleum or other similar substances to produce motive power and relating to the remission or refund of fines, penalties, forfeitures, exactions or charges incurred for violating any provision of law relating to vessels or seamen or to informer's shares of such fines, and by acts of Congress relating to the Commissioner and Bureau of Navigation, Shipping Commissioners, their officers and employees, Steamboat Inspection Service and any of the officials thereof, are transferred to and imposed and conferred upon the Secretary of Commerce from and after the time of the transfer of the Bureau of Navigation, the Shipping Commissioners and the Steamboat Inspection

Service to the Department of Commerce, and shall not thereafter be imposed upon or exercised by the Secretary of the Treasury.

#### Remission of Fines and Penalties.

R. S. 5294 (18 U. S. C. 642). The Secretary of Commerce may, upon application therefor, remit or mitigate any fine, penalty, or forfeiture provided for in laws relating to vessels or discontinue any prosecution to recover penalties or relating to forfeitures denounced in such laws, excepting the penalty of imprisonment or of removal from office, upon such terms as he, in his discretion, shall think proper; and all rights granted to informers by such laws shall be held subject to the Secretary's powers of remission, except in cases where the claims of any informer to the share of any penalty shall have been determined by a court of competent jurisdiction prior to the application for the remission of the penalty or forfeiture; and the Secretary shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as he may deem proper. (Dec. 15, 1894; Mar. 2, 1896.) See sec. 618, Tariff Act, 1930.

#### Refunding of Penalties Relating to Vessels or Seamen.

June 26, 1884, sec. 26 (18 U. S. C. 643). Whenever any fine, penalty, forfeiture, exaction, or charge arising under the laws relating to vessels or seamen has been paid to any collector of customs or consular officer, and application has been made within one year from such payment for the refunding or remission of the same, the Secretary of Commerce, if on investigation he finds that such fine, penalty, forfeiture, exaction, or charge was illegally, improperly, or excessively imposed, shall have the power, either before or after the same has been covered into the Treasury, to refund so much of such fine, penalty, forfeiture, exaction, or charge as he may think proper, from any moneys in the Treasury not otherwise appropriated. (Feb. 14, 1903, sec. 10.)

Note.—Effective July 1, 1935, this section was affected by act of June 26, 1934, sec. 18. See sec.  $725~\rm q$  (b) of title 31, United States Code.

#### Chapter II.—ORGANIC LAWS GOVERNING BUREAU OF MARINE INSPECTION AND NAVIGATION

Establishment of Bureau.

June 30, 1932, sec. 501 (5 U. S. C. 597a). The Secretary of Commerce is authorized and directed to consolidate and coordinate the Steamboat Inspection Service and the Bureau of Navigation of the Department of Commerce in a Bureau in such Department to be known as the Bureau of Navigation and Steamboat Inspection, to be under the direction of a Chief of Bureau who shall be appointed by the Secretary of Commerce. (See act of May 27, 1936, section 1, below.)

#### Change in Name of Bureau.

May 27, 1936, sec. 1 (5 U. S. C. 597a-1). The Bureau of Navigation and Steamboat Inspection in the Department of Commerce shall hereafter be known as the Bureau of Marine Inspection and Navigation.

#### Director of Bureau.

R. S. 4403 (46 U. S. C. 372). The Director of the Bureau of Marine Inspection and Navigation shall, under the direction of the Secretary of Commerce, superintend the administration of the steamboat-inspection laws, preside at the meetings of the board of supervising inspectors, receive all reports of inspectors, receive and examine all accounts of inspectors, report fully at stated periods to the Secretary of Commerce upon all matters pertaining to his official duties, and produce a correct and uniform administration of the inspection laws, rules, and regulations. (Feb. 14, 1903, secs. 4, 10; Mar. 4, 1913; June 30, 1932, sec. 502; May 27, 1936, sec. 1.)

JULY 5, 1884, sec. 2 (46 U. S. C. 2). The Director of the Bureau of Marine Inspection and Navigation, under the direction of the Secretary of Commerce, shall have general superintendence of the commercial marine and merchant seamen of the United States, so far as vessels and seamen are not, under existing laws, subject to the supervision of

any other officer of the Government.

He shall be specially charged with the decision of all questions relating to the issue of registers, enrollments, and licenses of vessels, and to the filing and preserving of those documents; and wherever in title forty-eight or fifty of the Revised Statutes any of the abovenamed documents are required to be surrendered they shall be surrendered and returned to the Director of the Bureau of Marine Inspection and Navigation. (Feb. 14, 1903, secs. 4, 10; Mar. 4, 1913; June 30, 1932, sec. 501; May 27, 1936, sec. 1.)

JULY 5, 1884, sec. 3 (46 U. S. U. 3). The Director of the Bureau of

Marine Inspection and Navigation shall be charged with the super-

vision of the laws relating to the admeasurement of vessels, and the assigning of signal letters thereto, and of designating their official numbers; and on all questions of interpretation growing out of the execution of the laws relating to these subjects, and relating to the collection of tonnage tax, and to the refund of such tax when collected erroneously or illegally, his decision shall be final. (June 30, 1932, sec. 502; May 27, 1936, sec. 1.)

July 5, 1884, sec. 4 (46 U.S. C. 4). The Director of the Bureau of Marine Inspection and Navigation shall annually prepare and publish a list of vessels of the United States belonging to the commercial marine, specifying the official number, signal letters, name, rig, tonnage, home port, and place and date of building of every vessel, distinguishing in such list sailing vessels from such as may be

propelled by steam or other motive power.

He shall also report annually to the Secretary of Commerce the increase of vessels of the United States, by building or otherwise, specifying their number, rig, and motive power. He shall also investigate the operations of the laws relative to navigation, and annually report to the Secretary of Commerce such particulars as may, in his judgment, admit of improvement or may require amendment. (Feb. 14, 1903, secs. 4, 10; Mar. 4, 1913; June 30, 1932, sec. 502; May 27, 1936, sec. 1.)

JULY 9, 1912 (46 U. S. C. 63). Upon affidavit by a reputable ship-builder of the United States that an unrigged wooden vessel of the United States has been rebuilt, giving the date and place of such rebuilding, is sound and free from rotten or doted wood in structural parts, properly fastened and calked and in strength and seaworthiness as good as new, the Director of the Bureau of Marine Inspection and Navigation shall include in the List of Merchant Vessels a notation to that effect. (June 30, 1932, sec. 502: May 27, 1936, sec. 1.)

that effect. (June 30, 1932, sec. 502; May 27, 1936, sec. 1.)

June 5, 1920, sec. 25 (46 U.S. C. 881). \* \* \* The official List of Merchant Vessels published by the Government shall hereafter contain a notation clearly indicating all vessels classed by the American

Bureau of Shipping.

Feb. 19, 1920, sec. 1 (46 U. S. C. 51). The Director of the Bureau of Marine Inspection and Navigation shall, under the direction of the Secretary of Commerce, be empowered to change the names of vessels of the United States on application of the owner or owners of such vessels when in his judgment there shall be sufficient cause for so doing. (June 30, 1932, sec. 502; May 27, 1936, sec. 1.)

#### Creation of Technical Staff.

May 27, 1936, sec. 5 (46 U. S. C. 369). (a) Hereafter there shall be in the Bureau of Marine Inspection and Navigation a technical staff, consisting of the Director and technical members who shall be selected for their knowledge, skill, and practical experience in designing and supervising the construction and operation of vessels propelled by machinery, and they shall be competent judges of the character, strength, stability, and safety qualities of such vessels and their equipment. Such technical members shall be appointed by the Secretary of Commerce, without reference to the civil-service laws and regulations. The Director of the said Bureau, with the advice and assistance of the technical staff so appointed, shall pass upon all contract plans and specifications for passenger vessels of the United

States of one hundred gross tons and over, propelled by machinery, as provided for by subsection (b) of this section, including the installation of tested and effective sprinkler systems, and upon arrangement plans for all material alterations to existing vessels. Such approval shall be given promptly and with due regard to the orderly progress of the work but only when the Director is satisfied, after a full and complete examination of the plans and specifications, that the vessel, when built or altered, as the case may be, can be navigated with safety to those on board. In case the said Director shall disapprove such plans and specifications, the person or persons submitting the same shall be apprised thereof the reasons for such disapproval and advised of the amendments necessary to secure such approval. The Director shall, at as early a date as practicable, and from time to time thereafter as he shall deem advisable, formulate and publish regulations and instructions for the guidance of builders of prospective vessels showing the safety characteristics of vessels which will meet the approval of the Director: Provided, however, That such regulations and instructions shall in all cases be subject to the approval

of the Secretary of Commerce.

(b) That no passenger vessel of the United States of one hundred gross tons and over, propelled by machinery, the construction or material alteration of which shall be begun subsequent to the passage of this act, shall be granted a certificate of inspection by a board of local inspectors of the Bureau unless the said general contract plans and specifications therefor shall have been submitted at least in triplicate to and approved by the aforesaid Director before the construction of such vessel or alteration thereof shall have been commenced; nor shall any such vessel, the said plans or specifications for which have been materially altered subsequent to such approval be granted a certificate, as aforesaid, unless such altered plans and specifications shall have been submitted at least in triplicate to and approved by the said Director, prior to such change in construction having been made. No such certificate shall be granted to any such vessel which has not been constructed and equipped in accordance with said plans and specifications approved as aforesaid: Provided, That approved plans and certificates of the American Bureau of Shipping classed vessels may be accepted by the Director as evidence of the structural efficiency of the hull and the reliability of the machinery of such vessels, except as far as existing law places definite responsibility on the Bureau of Marine Inspection and Navigation. The American Burcau of Shipping shall continue to function in connection with the Government, its bureaus, departments, boards, and commissions, as heretofore provided under the Merchant Marine Act, June 5, 1920 (ch. 250, sec. 25; 41 Stat. 998; 46 U. S. C. Annotated, sec. 881), and as provided in the Act of March 2, 1929, entitled "An act to establish load lines for American vessels, and for other purposes," or any similar act hereinafter enacted.

(c) Upon the approval by the said Director of the original or

(c) Upon the approval by the said Director of the original or modified plans and specifications for any such vessel or for any subsequent alteration of such vessel, an endorsement to that effect, signed by the Director, shall be placed upon such plans and specifications, and one copy thereof shall be delivered to the person or persons submitting the same. Whenever any inspector shall ascertain to his satisfaction that any such vessel does not conform in all

material respects to said plans and specifications approved as aforesaid, he shall immediately report his conclusions to the aforesaid Director, setting forth the reasons for his belief; and if, after a preliminary examination of the facts of the case, the said Director shall be of the opinion that reasonable ground exists for believing the conclusions of such reporting officer to be correct, he shall notify the person or persons who submitted the said plans and specifications and the board of local inspectors of the Bureau who shall not issue the vessel's certificate of inspection until the discrepancy has been corrected to the satisfaction of the said Director. The final decision of the Director shall be reached with as little delay as the proper consideration of the question will permit. The owner of any vessel coming within the provisions of this act shall notify the Director of any material alterations proposed to be made on such vessel, and should any such alteration be made on such vessel before the plans and specifications for such alteration have received the approval of the said Director the owners shall, in addition to any suspension of the certificate of inspection which the Director may determine to be necessary, incur a penalty of \$500 for which the vessel shall be liable and which may be mitigated or remitted by the Secretary of Commerce on such condition as he may deem proper.

(d) That the words "plans and specifications" wherever used in this act shall be held to include prints of all general contract plans and copies of the specifications and other matters of a similar nature, as necessary to the purposes of this act for any vessel to which this act applies. The said plans and specifications of all passenger ships of one hundred gross tons and over shall specify for fire-retardant material in their construction so far as reasonable and practicable.

(e) That any person or persons who shall alter, deface, obliterate, remove, or destroy any plans or specifications approved as provided in this act, with intent to deceive or delay any officer of the United States in the discharge of his duties under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be punished by a fine of not to exceed \$5,000 or by imprisonment for not to exceed five years, or by both such fine and imprisonment, in the discretion of the court.

(f) This section shall not take effect as to vessels under five hundred gross tons until three months, nor as to vessels of five hundred gross

tons and over until thirty days, after its enactment.

#### Supervising Inspectors.1

R. S. 4404 (46 U. S. C. 373). There shall be seven supervising inspectors, who shall be appointed by the Secretary of Commerce. In the appointment of the supervising inspectors provided for by this section, the Secretary of Commerce shall give due consideration to the reappointment of such of the present supervising inspectors as by their record of efficiency and experience have demonstrated

<sup>1</sup> The Secretary of Commerce has established seven supervising inspectors' districts, and there are listed below the ports where the offices of the supervising inspectors are located and their addresses:

Boston	First	408 Atlantic Ave.
New York	Second	45 Broadway, Room 626.
Norfolk		
New Orleans		
Pittsburgh	Fifth	424 New Post Office Bldg.
Cleveland		
San Francisco	Seventh	514 Customhouse.

their fitness for their positions. All vacancies occurring thereafter in the Board of Supervising Inspectors may be filled by selection from the principal traveling inspectors provided for by section 3 of this act, or from the United States local inspectors. Each supervising inspector shall be entitled to a salary of not to exceed \$6,000 per annum and his necessary traveling expenses while traveling on official business assigned him by competent authority, together with his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instruments, which shall be Secretary of Commerce. (May 27, 1936, Sec. 2.)

R. S. 4404 (46 U. S. C. 374). In the case of the absence of any such supervising inspector from his official station, the Secretary of Commerce may designate some officer of the Bureau of Marine Inspection and Navigation to perform the duties of such officer during

his absence. (May 27, 1936, Sec. 2.)

Board of Supervising Inspectors; Composition; Meetings.

R. S. 4405 (46 U. S. C. 375). The supervising inspectors and the Director of the Bureau of Marine Inspection and Navigation shall assemble as a board once in each year at the city of Washington, District of Columbia, on the third Wednesday in January, and at such other times as the Secretary of Commerce shall prescribe, for joint consultation, and shall assign to each of the supervising inspectors the limits of territory within which he shall perform his duties. The board shall establish all necessary regulations required to carry out in the most effective manner the provisions of this Title [R. S. 4399 to 4500-46 U. S. C. 214, 215, and 361 to 440] and also regulations, prohibiting useless and unnecessary whistling, and such regulations, when approved by the Secretary of Commerce, shall have the force of law. The supervising inspector for the district embracing the Pacific coast shall not be under obligation to attend the meetings of the board oftener than once in two years; but when he does not attend such meeting he shall make his communications thereto, in the way of a report, in such manner as the board shall prescribe: Provided, That the Secretary of Commerce may at any time call in session, after reasonable public notice, a meeting of an executive committee, to be composed of the Director of the Bureau of Marine Inspection and Navigation and any two supervising inspectors, which committee, with the approval of the said Secretary, shall have power to alter, amend, add to, or repeal any of the rules and regulations made, with the approval of the Secretary of Commerce, by the board of supervising inspectors, either by virtue of this section or under any power granted by this Title, or any amendments thereof, such alteration, amendment, addition, or repeal, when approved by the said Secretary, to have the force of law and to continue in effect until thirty days after the adjournment of the next meeting of the board of supervising inspectors. The foregoing powers of such executive committee, acting with the said Secretary, shall also extend to the approval of the instruments, machines, and equipments referred to in section 4491 [46 U. S. C. 489] of this Title. (Mar. 3, 1905; Feb. 8, 1907; Mar. 4, 1913; June 30, 1932, sec. 502; May 27, 1936, sec. 1.)

#### Duties and Functions of Board.

R. S. 4411 (46 U. S. C. 380). The Board of Supervising Inspectors shall establish such regulations as may be necessary to make known in

a proper manner, to local inspectors, the names of all persons licensed under the provisions of this Title [R. S. 4399-4500] the names of all persons from whom licenses have been withheld, and the names of all whose licenses have been suspended or revoked; also the names of all steam vessels neglecting or refusing to make such repairs as may be ordered pursuant to law, and the names of all that have been refused certificates of inspection.

R. S. 4479 (46 U. S. C. 472). The Board of Supervising Inspectors may require steamers carrying either passengers or freight to be provided with such number and kind of good and efficient portable fire extinguishers as, in the judgment of the board, may be necessary to protect them from fire when such steamers are moored or lying

at a wharf without steam to work the pumps.

R. S. 4483 (46 U. S. C. 476). Every such 2 steam vessel carrying passengers shall keep such fire buckets, axes, and water barrels as shall be prescribed by the regulations established by the Board of Supervising Inspectors, with the approval of the Secretary of Commerce. The buckets and barrels shall be kept in convenient places and filled with water, to be in readiness in case of fire, and the axes shall be kept in good order and ready for immediate use. Tanks of suitable dimensions and arrangement, or buckets in sufficient number, may be substituted for barrels. (Mar. 3, 1905, sec. 3.)

R. S. 4492 (46 U. S. C. 490). Every barge carrying passengers, while in tow of any steamer, shall be subject to the provisions of this Title [R. S. 4399-4500] relating to fire buckets, axes, life preservers, and yawls, to such extent as shall be prescribed by the Board of Supervising Inspectors; and for any violation of this section the penalty shall be \$200, recoverable one-half for the use of the

informer.

June 7, 1897, sec. 2 (33 U.S. C. 157). The supervising inspectors of steam vessels and the Director of the Bureau of Marine Inspection and Navigation shall establish such rules to be observed by steam vessels in passing each other and as to the lights to be carried by ferryboats and by barges and canal boats when in tow of steam vessels, and as to the lights and day signals to be carried by vessels, dredges of all types, and vessels working on wrecks by [or] other obstruction to navigation or moored for submarine operations, or made fast to a sunken object which may drift with the tide or be towed, not inconsistent with the provisions of this Act, as they from time to time may deem necessary for safety, which rules when approved by the Secretary of Commerce are declared special rules duly made by local authority, as provided for in article 30 of chapter 802 of the laws of 1890. Two printed copies of such rules shall be furnished to such ferryboats, barges, dredges, canal boats, vessels working on wrecks, and steam vessels, which rules shall be kept posted up in conspicuous places in such vessels, barges, dredges, and boats. (May 25, 1914; June 30, 1932, sec. 501; May 27, 1936, sec. 1.)

FEB. 8, 1895, sec. 1 (33 U. S. C. 259). Produce boats, canal boats, fishing boats, rafts, or other water craft navigating any bay, harbor, or river by hand power, horse power, sail, or by the current of the

<sup>&</sup>lt;sup>2</sup> Navigating rivers only, except ferryboats, freight boats, canal boats, and towing boats, of less than 50 tons.

river, or which shall be anchored or moored in or near the channel or fairway of any bay, harbor, or river, and not otherwise provided for in these rules, shall carry one or more good white lights, which shall be placed in such manner as shall be prescribed by the Board of Supervising Inspectors of Steam Vessels.

Feb. 8, 1895, sec. 1 (33 U. S. C. 256). The lights for tugs under one hundred tons register (net), whose principal business is harbor towing, and for boats navigating only on the River Saint Lawrence, also ferryboats, rafts, and canal boats, shall be regulated by rules which have been or may hereafter be prescribed by the Board of

Supervising Inspectors of Steam Vessels. (May 17, 1928.)

R. S. 4412 (46 U. S. C. 381). The Board of Supervising Inspectors shall establish such regulations to be observed by all steam vessels in passing each other, as they shall from time to time deem necessary for safety; two printed copies of such regulations, signed by them, shall be furnished to each of such vessels, and shall at all times be kept posted up in conspicous places in such vessels. (Aug. 19, 1890; Feb. 8, 1895; June 7, 1897, sec. 5.)

R. S. 4413 (46 U. S. C. 381). Every pilot, engineer, mate, or master of any steam vessel who neglects or wilfully refuses to observe the regulations established in pursuance of the preceding section, shall be liable to a penalty of \$50, and for all damages sustained by any passenger, in his person or baggage, by such neglect or refusal.

(June 7, 1897, sec. 5.)

#### Duties of Supervising Inspectors.

R. S. 4406 (46 U. S. C. 376). Each supervising inspector shall watch over all parts of the territory assigned to him, shall visit, confer with, and examine into the doings of the local boards of inspectors within his district, and shall instruct them in the proper performance of their duties; and shall, whenever he thinks it expedient, visit any vessels licensed, and examine into their condition, for the purpose of ascertaining whether the provisions of this Title have been observed and complied with, both by the board of inspectors and the masters and owners. All masters, engineers, mates and pilots of such vessels shall answer all reasonable inquiries, and shall give all the information in their power in regard to any such vessel so visited, and her machinery for steaming, and the manner

of managing both.

R. S. 4407 (46 U. S. C. 377). Whenever a supervising inspector ascertains to his satisfaction that any master, mate, engineer, pilot, or owner of any steam vessel fails to perform his duties according to the provisions of this Title, he shall report the facts in writing to the board of local inspectors in the district where the vessel was inspected or belongs; and if need be, he shall cause the negligent or offending party to be prosecuted; and if the supervising inspector has good reason to believe there has been, through negligence or any other cause, a failure of the board which inspected the vessel to do its duty, he shall report the facts in writing to the Secretary of Commerce; who shall cause immediate investigation into the truth of the complaint, and, if he deems the cause sufficient, shall remove any officer found delinquent.

R. S. 4408 (46 U. S. C. 378). The supervising inspectors shall see that the several boards of local inspectors within their respective

districts execute their duties faithfully, promptly, and, as far as possible, uniformly in all places, by following out the provisions of this Title [R. S. 4399-4500] according to the true intent and meaning thereof; and they shall, as far as practicable, harmonize differences

of opinion existing in different local boards. R. S. 4409 (46 U. S. C. 379). The supervising inspector shall visit any collection district in which there is at any time no board of inspectors, and within which steam vessels are owned or employed. Each supervising inspector shall have full power in any such district, or in any district where, from distance or other cause, it is inconvenient to resort to the local board, to inspect any steam vessel and the boilers of such steamer, and to grant certificates of approval, and to do and perform all the duties imposed upon local (Feb. 27, 1877.)

R. S. 4410 (46 U. S. C. 439). Each supervising inspector shall report, in writing, at the end of each fiscal year to the Director of the Bureau of Marine Inspection and Navigation, the general business transacted in his district during the year, embracing all violations of the laws regulating vessels, and the action taken in relation to the same; all investigations and decisions by local inspectors; and all cases of appeal and the result thereof. The board shall examine into all the acts of each supervising inspector and local board, and all complaints made against same, in relation to the performance of their duties under the law, and the judgment of the board in each case shall be entered upon their journal; and the board shall, as far as possible, correct mistakes where they exist. (May 22, 1912, sec. 1; June 30, 1932, sec. 502; May 27, 1936, sec. 1.) R. S. 4451 (46 U. S. C. 440). The disbursing clerk, Department

of Commerce, shall pay, on properly certified vouchers, such fees to any witness, summoned under section 239 of this Title [Title 46], for his actual travel and attendance, as shall be officially certified to by any inspector hearing the case, not exceeding the rate allowed for fees and to witnesses for travel and attendance in any district courts of the United States. (June 19, 1886, sec. 1; Apr. 4, 1888, sec. 2; Mar. 4, 1913, sec. 1.)

#### Appeal From Decisions of Local Inspectors.

June 10, 1918, sec. 1 (46 U.S. C. 431). Whenever any person directly interested in or affected by any decision or action of any board of local inspectors of vessels shall feel aggrieved by such decision or action, he may appeal therefrom to the supervising inspector of the district; and a like appeal shall be allowed from any decision or action of a supervising inspector to the Director of the Bureau of Marine Inspection and Navigation, whose decision, when approved by the Secretary of Commerce, shall be final: Provided, however, That application for such reexamination of the case by a supervising inspector or by the Director of the Bureau of Marine Inspection and Navigation shall be made within thirty days after the decision or action appealed from shall have been rendered or taken: And provided further, That in all cases reviewed under the provisions of this Act where the issue is the suspension or revocation of the license of a licensed officer such officer shall be allowed to be represented by counsel and to testify in his own behalf. (June 30, 1932, sec. 501; May 27, 1936, sec. 1.)

Powers of Supervising Inspector and Director of Bureau With Respect Disagreement of Local Inspectors.

June 10, 1918, sec. 2 (46 U. S. C. 432). That whenever there shall be a disagreement between the local inspectors in regard to any matter before them for decision they shall report the case to the supervising inspector of the district, who shall investigate and decide the same. Any supervising inspector may within thirty days thereafter, upon his own motion, review any decision or action of any board of local inspectors within his district and in like manner the Director of the Bureau of Marine Inspection and Navigation may within thirty days thereafter review any decision or action of any supervising inspector or board of local inspectors, and the decision of the Director of the Bureau of Marine Inspection and Navigation in such case shall, when approved by the Secretary of Commerce, be final. (June 30, 1932, sec. 501; May 27, 1936, sec. 1.)

#### Modification of Decisions on Review.

June 10, 1918, sec. 3 (46 U. S. C. 433). That any decision or action reviewed by the Director of the Bureau of Marine Inspection and Navigation or by any supervising inspector, as provided in sections one and two of this Act, may be revoked, changed, or modified by such reviewing officer, who shall have power to administer oaths and to summon and compel the attendance of witnesses by a similar process as in the district courts of the United States; and the disbursing clerk, Department of Commerce, shall pay, on properly certified vouchers, such fees to any witness so summoned for his actual travel and attendance as shall be officially certified to by the officer reviewing the case, not exceeding the rate allowed for fees to witnesses for travel and attendance in the district courts of the United States. (June 30, 1932, sec. 501; May 27, 1936, sec. 1.)

#### Principal Traveling Inspectors.

May 27, 1936, sec. 3 (46 U. S. C. 374a). That there shall be in the field service of the Bureau of Marine Inspection and Navigation in the Department of Commerce not to exceed ten principal traveling inspectors to be appointed by the Secretary of Commerce, the compensation of such principal traveling inspectors to be fixed by the Secretary of Commerce at not to exceed \$5,000 per annum. Each of said principal traveling inspectors shall be entitled to his necessary traveling expenses while traveling on official business. Such principal traveling inspectors shall be selected for their knowledge, skill, and practical experience in steam and motor power for navigation and shall be competent judges of the character and qualities of such vessels and of all parts of the machinery employed in such navigation. They also shall have full knowledge of the duties imposed by law on licensed officers and crews of vessels.

#### Traveling Inspectors.

R. S. 4414 (46 U. S. C. 382). \*\*\* The Secretary of Commerce may appoint not exceeding four traveling inspectors, when in his judgment they are necessary for the improvement of the service, each of whom shall be entitled to a salary of \$3,000 a year and his actual necessary traveling expenses while traveling on official business. (Jan. 3, 1887;

July 26, 1890; Mar. 1, 1895; Mar. 2, 1895; Feb. 15, 1897; Apr. 21, 1898; June 2, 1900; Mar. 3, 1905; Apr. 6, 1906; May 28, 1908; Mar. 4, 1913; Oct. 22, 1913; Feb. 26, 1917; July 2, 1918; Apr. 19, 1924; May 17, 1932; June 30, 1932.)

### Local Inspectors.3

R. S. 4414 (46 U. S. C. 382). There shall be in each of the following collection districts, namely, the districts of Philadelphia, Pennsylvania; San Francisco, California; New London, Connecticut; Baltimore, Maryland; Detroit, Michigan; Chicago, Illinois; Bangor, Maine; New Haven, Connecticut; Michigan, Michigan; Milwaukee, Wisconsin; Willamette, Oregon; Puget Sound, Washington; Savannah, Georgia; Pittsburgh, Pennsylvania; Oswego, New York; Charleston, South Carolina; Duluth, Minnesota; Superior, Michigan; Galveston, Texas; Mobile, Alabama; Providence, Rhode Island; and in each of the following ports: New York, New York; Jacksonville, Florida; Tampa, Florida; Portland, Maine; Boston, Massachusetts; Buffalo, New York; Cleveland, Ohio; Toledo, Ohio; Norfolk, Virginia; Evansville, Indiana; Dubuque, Iowa; Louisville, Kentucky; Albany, New York; Cincinnati, Ohio; Memphis, Tennessee; Nashville, Tennessee; Saint Louis, Missouri; Port Huron, Michigan; New Orleans, Louisiana; Los Angeles, California; Juneau, Alaska; Saint Michael, Alaska; and Point Pleasant, West Virginia; Honolulu, Hawaii; and San Juan, Puerto Rico; one inspector of hulls and one inspector of boilers.

The ports at which there are local inspectors, together with the addresses of the offices, are:

are.			
Port		Title	Address
First District:			
Boston	Local inspector	of hulls	408 Atlantic Ave.
	Local inspector	of boilers	408 Atlantic Ave.
Bangor	Local inspector	of hulls	Federal Bldg.
	Local increaser	of hoilors	Federal Ridg
New London	Local inspector	of bulle	Post Office Bldg
New Dondon	Local inspector	of hoilore	Poet Office Bldg
Portland, Maine	Local inspector	of bulls	Fodoral Pldg
Portland, Maine	Local inspector	Of Hulls	Federal Didg.
Providence	Local inspector	of boilers	reugiai Diug.
Providence	Local inspector	oi nulls	413 Federal Blog.
	Local inspector	of boilers	413 rederai blog.
Second District:			
New York	Local inspector	of hulls	45 Broadway, room 623.
Albany	Local inspector	of boilers	45 Broadway, room 624.
Albany	Local inspector	of hulls	313 Federal Bldg.
	Local inspector	of boilers	313 Federal Bldg.
New Haven	Local inspector	of bulls	308 Federal Bldg.
San Juan	Local inspector	of bulle	310 Federal Bldg
ban Juan	Local inspector	of boilers	310 Federal Bldg
Third District:	Local inspector	Of Doners	olo i cuciai Diag.
Third District:	T 1 immunatus	of bullo	204 Custombouse
Norfolk	Local inspector	Of Hulls	204 Custombouse.
	Local inspector	of boilers	204 Customnouse.
Baltimore	Local inspector	of hulls	209 Chamber of Commerce Blug.
	Local inspector	of boilers	209 Chamber of Commerce Bldg. 209 Chamber of Commerce Bldg. 31 Customhouse.
Charleston	Local inspector	of hulls	31 Customhouse.
Coatesville	Local inspector	of boilers	31 Customhouse.
Coatesville	Assistant inspec	etor (boilers)	Federal Bldg.
Philadalphia	Local inspector	of hills	801 Customnouse,
Savannah	Local inspector	of boilers	801 Customhouse.
Savannah	Local inspector	of hulls	Customhouse,
DG V GISTIGHT	Local inspector	of boilers	Custombouse.
Fourth Districts	•		
Many Ouleans	Local inspector	of hulls	332 Customhouse.
Galveston	Local inspector	of boilers	332 Custonihouse
a , ,	Local inspector	of bulle	207 Federal Bldg
Garveston	Pocar inspector	of boilers	207 Federal Bldg
*	Local inspector	Of Dollers	Fodorol Pida P O box 4074
Jackson ville	Local inspector	of hulls	Federal Bldg., P. O. box 4974.
	Local inspector	of boilers	Federal Bldg., P. O. box 4974. 411 Federal Bldg.
Mobile	Local inspector	of hulls	411 Federal Blog.
	Local inspector	of boilers	411 Federal Bldg.
Port Arthur	Local inspector	of hulls	Bluestein Bldg.
Tampa	Local inspector	r of boilers	Bluestein Bldg.
Tamna	Local inspector	of hulls	406 Federal Bldg.
- ampa	Local inspector	of boilers	406 Federal Bldg.
	motor implector	J J	

The inspector of hulls and the inspector of boilers in the districts and ports enumerated in the preceding paragraphs shall be entitled to the following salaries, to be paid under the direction of the Secretary of Commerce, namely:

For the port of New York, New York; at the rate of \$2,950 per

year for each local inspector.

For the districts of Philadelphia, Pennsylvania; Baltimore, Maryland: San Francisco, California; and Puget Sound, Washington; and

\* The ports at which there are local inspectors, together with the addresses of the offices, are--Continued.

Port	Title	Address
Fifth District:		
This and a second	Local inspector of hulls	424-428 New Post Office Bldg.
1 10120001	Local inspector of hulls  Local inspector of hulls  Local inspector of hulls	424-428 New Post Office Bldg.
Cincinnati	Local in pector of hulls	251 New Post Office Bldg.
	Local inspector of boilers	251 New Post Office Bldg.
Dubuque	Local inspector of hulls	Post Office and Courthouse Bldg.
	Local inspector of boilers. Local inspector of hulls Local inspector of boilers.	Post Office and Courthouse Bldg.
k vonsville	Local inspector of fillins	205-207 Post Office Bldg.
	Local inspector of boilers Assistant supervising inspector	205-207 Post Office Bidg.
Louisville	Local inspector of hulls	208 Federal Didg.
	Local inspector of huns	202 Federal Bldg
Mamphia	Local inspector of bulls	322 Custombouse
rtempins	Local inspector of boilers	322 Customhouse
Nachville	Local inspector of hulls	1021 Stahlman Bldg.
1145111110	Local inspector of boilers	1021 Stahlman Bldg.
Point Pleasant	Local inspector of hulls	Post Office Bldg.
	Local inspector of boilers	Post Office Bldg.
St. Louis	Local inspector of hulls	612 New Federal Bldg.
	Local inspector of boilers	612 New Federal Bldg.
Sixth District:		
Cleveland	Local inspector of hulls	400 Federal Bldg.
	Local inspector of boilers	400 Federal Bldg.
Buffalo	Local inspector of hulls	440 Federal Bldg.
Chinama	Local inspector of boilers	140 Federal Bidg.
Cnicago	Local inspector of hulls. Local inspector of boilers.	1103 U. S. Courthouse.
Datroit	Local inspector of bulls	100 U. S. Continouse.
Denoit.	Local inspector of hulls Local inspector of boilers Local inspector of bulls	428 Federal Bldg
E sloth	Local inspector of bulls	311 Federal Bldg
37 (10011-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1	Local inspector of hoilers	311 Federal Bldg
Grand Haven	Local inspector of hulls	Federal Bldg.
	I coal increator of bailors	Federal Didg
Marquette	Local inspector of hulls	326 Federal Bldg.
	Local inspector of bollers	328 Federal Bido
Milwaukee	Local inspector of hulls	468 Federal Bldg.
	Local inspector of boilers.	468 Federal Bldg.
Oswego	Local inspector of hulls	Federal Bldg.
Post Hamos	Local inspector of boilers	Federal Bldg.
	Local inspector of hulls	
Tolodo	Local inspector of boilers  Local inspector of hulls	rederal blog.
1 016/10	Local inspector of dans	Bldg.
	Local inspector of boilers	305 U. S. Courthouse & Customs
	notal Hapettor of Policis	Bldg.
Seventh District:		
San Francisco	Local inspector of hulls	514 Customhouse.
	Local increator of bailers	514 Custombourg
Honoiulu	Local inspector of hulls	Federal Bldg.
	Local inspector of boilers	Federal Bldg
Hoquiam	Local inspector of hulls	Post Office Bldg.
Tuncou	Local inspector of boilers	Post Office Bldg.
Juneau	Local inspector of hulls	Federal Bldg.
Los Angolos	Local inspector of beilers Local inspector of hulls	Post Office and Customs House San
Los Angeles	Local inspector of nuns	Pedro, Calif.
	Local inspector of boilers	Post Office and Customs House, San
	Associa inspector of boners	Pedro. Calif.
Portland, Oreg	Local inspector of hulls	1005 Failing Bldg.
	Local inspector of boilers	1005 Railing Bldg
St. Michael	Local inspector of hulls.	National Commercial Co.'s Hotel."
Seattle	Local inspector of hulls	603 Federal Bldg.
	Local inspector of boilers	603 Federal Bldg.

<sup>\*</sup>Open from May to September. During winter months the address is same as Seattle office.

the ports of Boston, Massachusetts; Buffalo, New York; and New Orleans, Louisiana, at the rate of \$2,700 per year for each local

inspector.

For the districts of Michigan, Michigan; Milwaukee, Wisconsin; Duluth, Minnesota; Providence, Rhode Island; Chicago, Illinois; and the ports of Albany, New York; Cleveland, Ohio; Portland, Maine; Los Angeles, California; Juneau, Alaska; Saint Michael, Alaska; and Norfolk, Virginia; Honolulu, Hawaii; and San Juan, Puerto Rico; at the rate of \$2,500 per year for each local inspector.

For the districts of Oswego, New York; Willamette, Oregon; Detroit, Michigan; and Mobile, Alabama; and the ports of Saint Louis, Missouri; and Port Huron, Michigan; at the rate of \$2,350 per year

for each local inspector.

For the districts of Pittsburgh, Pennsylvania; New Haven, Connecticut; Savannah, Georgia; Charleston, South Carolina; Galveston, Texas; New London, Connecticut; Superior, Michigan; and Bangor, Maine; and the ports of Dubuque, Iowa; Toledo, Öhio; Evansville, Indiana; Memphis, Tennessee; Nashville, Tennessee; Point Pleasant, West Virginia; Jacksonville, Florida; Tampa, Florida; Louisville, Kentucky; and Cincinnati, Ohio; at the rate of \$2,100 per year for each local inspector. (Rates of compensation enumerated above adjusted by virtue of the act of May 28, 1928; 45 Stat. 778, and the act of July 1930; 46 Stat. 1003.)

MAY 28, 1928 (46 U. S. C. 382a). A board of local inspectors, Bureau of Marine Inspection and Navigation consisting of a local inspector of hulls and a local inspector of boilers, is hereby created at the port of Hoquiam, Washington. Such inspector of hulls and inspector of boilers shall each be entitled, in addition to his authorized pay and traveling allowances, to his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of Commerce.

(June 30, 1932; May 27, 1936, sec. 1.)

Apr. 5, 1938 (46 Ü. S. C. 382a-1). A board of inspectors, Bureau of Marine Inspection and Navigation, consisting of a local inspector of hulls and a local inspector of boilers, be, and is hereby, created at the port of Port Arthur, Texas. Such inspector of hulls and inspector of boilers shall each be entitled, in addition to his authorized pay and traveling expenses, to his actual and reasonable expenses for transportation of instruments which shall be certified and sworn to under such instructions as shall be given by the Secretary of Commerce.

# QUALIFICATIONS OF LOCAL INSPECTORS

R. S. 4415 (46 U. S. C. 384). The inspector of hulls shall be a person of good character and suitable qualifications and attainments to perform the services required of an inspector of hulls, who from his practical knowledge of shipbuilding and navigation and the uses of steam in navigation is fully competent to make a reliable estimate of the strength, seaworthiness, and other qualities of the hulls of vessels and their equipment deemed essential to safety of life in their navigation; and the inspector of boilers shall be a person of good character and suitable qualifications and attainments to perform the services required of an inspector of boilers, who from his knowledge

and experience of the duties of an engineer employed in navigating vessels by steam, and also of the construction and use of boilers, and machinery and appurtenances therewith connected, is able to form a reliable opinion of the strength, form, workmanship, and suitableness of boilers and machinery to be employed, without hazard to life from imperfection in the material, workmanship, or arrangement of any part of such apparatus for steaming. The inspector of hulls and the inspector of boilers designated by the Secretary of Commerce shall, from the date of designation, constitute a board of local inspectors. (Feb. 27, 1877, sec. 1; Mar. 3, 1905, sec. 1; Mar. 4, 1913, sec. 1.)

R. S. 4416 (46 U. S. C. 385). No person interested, either directly or indirectly, in any patented article required to be used on any steamer by this title, or who is a member of any association of owners, masters, engineers, or pilots of steamboats, or who is, directly or indirectly, pecuniarily interested in any steam vessel, or who has not the qualifications and acquirements prescribed by this title, or who is intemperate in his habits, shall be eligible to hold the office of either supervising, local, or assistant inspector, or to discharge the duties thereof; and if any such person shall attempt to exercise the functions of the office of either inspector he shall be deemed guilty of a misdemeanor, punishable by a fine of five hundred dollars, and shall be dismissed from office. (Mar. 3, 1905, sec. 2.)

### DUTIES AND LIMITATIONS OF LOCAL INSPECTORS

R. S. 4457 (46 U. S. C. 414). The local inspectors shall keep a record of certificates of inspection of vessels, their boilers, engines, and machinery, and of all their acts in their examination and inspection of steamers, whether of approval or disapproval; and when a certificate of approval is recorded, the original shall be delivered to the collector or other chief officer of the customs of the district. shall also keep a like record of certificates authorizing gunpowder to be carried as freight by any steamer carrying passengers, and of all licenses granted to masters, mates, pilots, and engineers, and of all refusals of the same, of all suspensions and revocations of license, of all refusals, suspensions, or revocations of which they shall receive notices from other districts; and shall report to the supervising inspector of their respective districts, in writing, their decisions in cases of refusal of licenses, or of the suspension or revocation thereof, and all testimony received by them in such proceedings. They shall also report promptly to such supervising inspector all violations of the steamboat laws that come to their knowledge. They shall also keep an accurate account of every steamer boarded by them during the year; and of all their official acts and doings, which, in the form of a report, they shall communicate to the supervising inspector of the district, at such times as the board of supervising inspectors, by their established rules, shall direct.

R. S. 4455 (46 U. S. C. 437). The inspectors of one district shall not modify or annul the doings of the inspectors of another district in regard to repairs, unless there is a change in the state of things, demanding more repairs than were thought necessary when the order was made. Nor shall the inspectors of one district license a person coming from another district, if such person has been rejected for

unfitness or want of qualifications.

R. S. 4456 (46 U. S. C. 438). The local board of inspectors, when so requested in writing by any master or owner, shall, under the direction of the supervising inspector, inspect steamers in other collection districts where no such board is established; and if a certificate of approval is not granted, no other inspection shall be made by the same or any other board until the objections made by such local board and unreversed by the supervising inspector of the district, are removed. Nothing in this section shall impair the right of the inspectors to permit such vessel to go to another port for repairs, if in their opinion it can be done with safety.

## ASSISTANT INSPECTORS; CLERKS

R. S. 4414 (46 U. S. C. 382). \* \* \* The Secretary of Commerce may appoint, in districts or ports where the volume of work requires them, assistant inspectors, at a salary, for the port of New York, of \$2,500 a year each; for the port of New Orleans, Louisiana; the districts of Philadelphia, Pennsylvania; Baltimore, Maryland; the ports of Boston, Massachusetts; Providence, Rhode Island; and the district of San Francisco, California, at \$2,350 per year each, and for all other districts and ports at a salary of \$2,100 a year each; and he may appoint a clerk to any such board at a compensation not exceeding \$1,500 a year to each person so appointed. Every inspector provided for in this or the preceding sections of this title shall be paid his actual necessary traveling expenses while traveling on official business assigned him by competent authority, together with his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of Commerce.

Assistant inspectors, appointed as provided by law, shall perform such duties of actual inspection as may be assigned to them under the

direction, supervision, and control of the local inspectors.

# AUTHORITY TO DETAIL ASSISTANT INSPECTORS

R. S. 4414 (46 U. S. C. 382). \* \* \* The Secretary of Commerce may from time to time detail said assistant inspectors of one port or district for service in any other port or district, as the needs of the Bureau of Marine Inspection and Navigation may, in his discretion, require, and the actual necessary traveling expenses of assistant inspectors so detailed, while traveling on official business assigned them by competent authority, shall, subject to such limitations as the said Secretary may in his discretion prescribe, be paid in the same manner as provided in this section for inspectors.

## MAY ISSUE CERTIFICATES

May 9, 1938 (46 U. S. C. 391b). In the administration of section 15 of the Act of March 4, 1915, as amended (U. S. C., 1934 edition, Supp. III, title 46, sec. 672), the Act of June 23, 1936 (U. S. C., 1934 edition, Supp. III, title 46, sec. 391 (a)), and section 4551 of the Revised Statutes of the United States, as amended (U. S. C., 1934 edition, Supp. III, title 46, sec. 643), any inspector of hulls, any inspector of boilers, and any assistant inspector designated for that purpose by a board of local inspectors may issue certificates of service, certificates of effi-

ciency, tankermen's certificates, continuous discharge books, and certificates of identification.

## STATIONERY AND EQUIPMENT

R. S. 4460 (46 U. S. C. 415). The Secretary of Commerce shall procure for the several supervising inspectors and local boards of inspectors such instruments, stationery, printing, and other things necessary for the use of their respective offices as may be required therefor.

OVERTIME COMPENSATION

May 27, 1936, sec. 6 (46 U.S. C. 382b). The Secretary of Commerce shall fix a reasonable rate of extra compensation for overtime services of local inspectors of steam vessels and their assistants, United States shipping commissioners and their deputies and assistants, and customs officers and employees, who may be required to remain on duty between the hours of 5 o'clock postmeridian and 8 o'clock antemeridian or on Sundays or holidays to perform services in connection with the inspection of vessels or their equipment, supplying or signing on or discharging crews of vessels on the basis of one-half day's additional pay for each two hours or fraction thereof of at least one hour that the overtime extends beyond 5 o'clock postmeridian (but not to exceed two and one-half days' pay for the full period from 5 o'clock postmeridian to 8 o'clock antemeridian) and two additional days' pay for Sunday or holiday duty. The said extra compensation for overtime services shall be paid by the master, owner, or agent of such vessel to the local United States collector of customs or his representative who shall deposit such collection into the Treasury of the United States to an appropriately designated receipt account. The amount of the receipts so covered during the fiscal year 1936 is hereby authorized to be appropriated and made available for payment of extra compensation for overtime services to the several employees entitled thereto according to rates fixed therefor by the Secretary of Commerce. *Provided*, That effective July 1, 1936, and thereafter, the amounts of such collections received by the said collector of customs or his representative shall be covered into the Treasury as miscellaneous receipts; and the payments of such extra compensation to the several employees entitled thereto shall be made from the annual appropriations for salaries and expenses of the Bureau: Provided further, That to the extent that the annual appropriations, which are hereby authorized to be made from the general fund of the Treasury are insufficient, there are hereby authorized to be appropriated from the general fund of the Treasury such additional amounts as may be necessary, to the extent that the amounts of such receipts are in excess of the amounts appropriated: Provided further, That such extra compensation shall be paid if such officers or employees have been ordered to report for duty and have so reported, whether the actual inspection of the vessel or her equipment, or the supplying, or signing on, or discharging crews takes place or not: And provided further, That in those ports where customary working hours are other than those hereinabove mentioned, the local inspectors of steam vessels or United States shipping commissioners, or collectors of customs, as the case may be, are vested with authority to regulate the hours of such employees so as to agree with prevailing working hours in said ports, but nothing contained in this proviso shall be construed in any manner to alter the length of a working day for the local inspectors, their assistants, the United States shipping commissioners and their deputies and assistants, or customs officers and employees, or the overtime pay herein fixed.

May 27, 1936, sec. 7 (46 U. S. C. 417). The Secretary of Commerce may make such regulations as may be necessary to carry out the pur-

poses of this Act.

May 27, 1936, sec. 8 (46 U.S. C. 418). There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

May 27, 1936, sec. 9 (46 U. S. C. 419). That all laws or parts of laws insofar as they are in conflict with this Act are hereby repealed

#### Offenses Relating to Official Duties

#### PENALTIES FOR FALSE CERTIFICATION AND ACCEPTANCE OF GRATUITIES

R. S. 4425 (46 U. S. C. 403). Every inspector who willfully certifies falsely touching any steam vessel, as to her hull, accommodations, boilers, engines, machinery, or their appurtenances, or any of her equipments, or any matter or thing contained in any certificates signed and sworn to by him, shall be punished by fine of not more than \$500, or imprisonment for not more than six months, or both.

R. S. 5482 (18 U. S. C. 196). Every inspector of steamboats who, upon any pretense, receives any fee or reward for his services, except what is allowed to him by law, shall forfeit his office, and be fined not more than \$500, or imprisoned not more than six months, or both.

(Mar. 4, 1909, sec. 107.)

#### PENALTY FOR DIVULGING INFORMATION RECEIVED

R. S. 4448 (46 U. S. C. 234). \* \* \* No inspector or supervising inspector receiving information from a licensed officer who is employed on any vessel as to defects in such vessel, or her equipments, boilers, or machinery, or that any provision of this title is being violated, shall impart the name of such licensed officer, or the source of his information, to any person other than his superiors in the Bureau of Marine Inspection and Navigation. Any inspector or supervising inspector violating this provision shall be subject to dismissal from the service. (Mar. 3, 1915, sec. 1; June 30 1932, sec. 501.)

Shipping Commissioners.4

R. S. 4501 (46 U. S. C. 541). The Secretary of Commerce shall appoint a commissioner for each port of entry, which is also a port of ocean navigation, and which, in his judgment, may require the same; such commissioner to be termed a shipping commissioner; and may, from time to time, remove from office any such commissioner whom he may have reason to believe does not propertly perform his duty, and shall then provide for the proper performance of his duties until another person is duly appointed in his place. \* \* \* The Secretary of Commerce shall regulate the mode of conducting business in the shipping offices to be established by the shipping commissioners as hereinafter provided, and shall have full and complete control over the same, subject to the provisions herein contained; and all expenditures by shipping commissioners shall be audited and adjusted in the General Accounting Office in the mode and manner provided

for expenditures in the collection of customs. (June 26, 1884, sec. 27; Feb. 14, 1903, secs. 4, 10; Mar. 4, 1913; June 10, 1921, sec. 304.)

\*The ports at which there are shipping commissioners, together with the addresses of the offices, are listed below:

Port	Address
Baltimore	9 Customhouse.
Boston	408 Atlantic Ave.
Galveston	215 Federal Bldg.
IIouston*	1214 Seventy-fifth St.
Mobile	110 Customhouse.
New Orleans	301 Customhouse.
Newport News	26 Customhouse.
New York	45 Broadway, room 709.
Norfolk	526 Western Union Bldg.
Philadelphia	300 Walnut St.
Portland, Oreg	1008 Southwest Sixth Ave.
Providence	447 South Maine St.
San Francisco	Appraisers Bldg.
San Pedro	Post Office and Customhouse Bldg.
Seattle	Lowman Bldg., 107 Cherry St.
*Suboffice of Galveston.	

#### To Furnish Bond

R. S. 4502 (46 U. S. C. 542). Every shipping commissioner so appointed shall give bond to the United States, conditioned for the faithful performance of the duties of his office, for a sum, in the discretion of the Secretary of Commerce, of not less than \$5,000, in such form and with such security as the Secretary of Commerce shall direct and approve; and shall take and subscribe the oath prescribed by section 1757 of the Revised Statutes [5 U. S. C. 16] before entering upon the duties of this office. (Apr. 26, 1906; Mar. 4, 1913.)

#### OFFICES

R. S. 4507 (46 U. S. C. 549). The Secretary of Commerce (Treasury) shall assign in public buildings or otherwise procure suitable offices and rooms for the shipment and discharge of seamen, to be known as shipping commissioners' offices, and shall procure furniture, stationery, printing, and other requisites for the transaction of the business of such offices. (Mar. 3, 1897; Feb. 14, 1903, sec. 10; Mar. 4, 1913.)

#### MAY ENGAGE CLERKS

R. S. 4505 (46 U. S. C. 547). Any shipping commissioner may engage clerks to assist him in the transaction of the business of the shipping office, at his own proper cost, and may, in case of necessity, depute such clerks to act for him in his official capacity; but the shipping commissioner shall be held responsible for the acts of every such clerk or deputy, and will be personally liable for any penalties such clerk or deputy may incur by the violation of any of the provisions of this Title [R. S. 4501-4613]; and all acts done by a clerk, as such deputy, shall be as valid and binding as if done by the shipping commissioner.

#### TO FURNISH SEAL

R. S. 4506 (46 U. S. C. 548). Each shipping commissioner shall provide a seal with which he shall authenticate all his official acts, on which seal shall be engraved the arms of the United States, and the name of the port or district for which he is commissioned. Any

instrument, either printed or written, purporting to be the official act of a shipping commissioner, and purporting to be under the seal and signature of such shipping commissioner, shall be received as presumptive evidence of the official character of such instrument, and of the truth of the facts therein set forth.

#### DUTIES

**R.** S. 4508 (46 U. S. U. 545). The general duties of a shipping commissioner shall be:

First. To afford facilities for engaging seamen by keeping a regis-

ter of their names and characters.

Second. To superintend their engagement and discharge in man-

ner prescribed by law.

Third. To provide means for securing the presence on board at the proper times of men who are so engaged.

Fourth. To facilitate the making of apprenticeships to the sea

service.

Fifth. To perform such other duties relating to merchant seamen or merchant ships as are now or may hereafter be required by law.

#### As Arbiter

R. S. 4554 (46 U. S. C. 651). Every shipping commissioner shall hear and decide any question whatsoever between a master, consignee, agent, or owner, and any of his crew, which both parties agree in writing to submit to him; and every award so made by him shall be binding on both parties, and shall, in any legal proceedings which may be taken in the matter, before any court of justice, be deemed to be conclusive as to the rights of parties. And any document under the hand and official seal of a commissioner purporting to be such submission or award shall be prima facie evidence thereof.

Note.—It should be observed that until an existing dispute is submitted to shipping commissioner by both parties in writing, he cannot act as arbiter.

# May Require Production of Documents

R. S 4555 (46 U. S. C. 652). In any proceeding relating to the wages, claims, or discharge of a seaman, carried on before any shipping commissioner under the provisions of this Title [R. S. 4501–4612], such shipping commissioner may call upon the owner, or his agent, or upon the master, or any mate, or any other member of the crew, to produce any log books, papers, or other documents in their possession or power, respectively, relating to any matter in question in such proceedings, and may call before him and examine any of such persons, being then at or near the place, on any such matter; and every owner, agent, master, mate, or other member of the crew who, when called upon by the shipping commissioner, does not produce any such books, papers, or documents, if in his possession or power, or does not appear and give evidence, shall, unless he shows some reasonable cause for such default, be liable to a penalty of not more than \$100 for each offense; and, on application made by the shipping commissioner, shall be further punished, in the discretion of the court, as in other cases of contempt of the process of the court.

### COLLECTOR OF CUSTOMS MAY ACT

R. S. 4503 (46 U. S. C. 543). In any port in which no shipping commissioner shall have been appointed, the whole or any part of the business of a shipping commissioner shall be conducted by the collector or deputy collector of customs of such port; and in respect of such business such customhouse shall be deemed a shipping office, and the collector or deputy collector of customs to whom such business shall be committed shall for all purposes be deemed a shipping commissioner within the meaning of this Title [R. S. 4501-4612].

### PENALTY FOR DEMANDING GRATUITIES

R. S. 4595 (46 U. S. C. 542a). Every shipping commissioner and every clerk or employee in any shipping office who demands or receives any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for any merchant vessel, shall for every such offense, be liable to a penalty of not more than \$200. (June 19, 1886, sec. 1.)

### Chapter III.—ADMEASUREMENT OF VESSELS

#### Measurement.

R. S. 4148 (46 U. S. C. 71). Before any vessel shall be registered, she shall be measured by a surveyor, if there be one, or by the person he shall appoint, at the port or place where the vessel may be, and if there be none, by such person as the collector of the district within which she may be shall appoint. But in all cases where a vessel has before been registered as a vessel of the United States, it shall not be necessary to measure her anew, for the purpose of obtaining another register; unless such vessel has undergone some alteration as to her burden, subsequent to the time of her former registry.

### CERTIFICATE OF PARTICULARS AS TO VESSEL

R. S. 4149 (46 U. S. C. 72). The officer or person by whom such measurement is made shall, for the information of and as a voucher to the officer by whom the registry is to be made, grant a certificate, specifying the build of the vessel, her number of decks and masts, her length, breadth, depth, the number of tons she measures, and such other particulars as are usually descriptive of the identity of a vessel, and that her name, and the place to which she belongs, are painted on her stern in manner required by this Title [R. S. 4131-4305]; which certificate shall be countersigned by an owner, or by the master of such vessel, or by some other person who shall attend her admeasurement, on behalf of her owner or owners, in testimony of the truth of the particulars therein contained; without which the certificate shall not be valid.

#### Mode of Admeasurement.

R. S. 4150 (46 U. S. C. 74). The registry of every vessel shall express her length and breadth, together with her depth and the height under the third or spar deck, which shall be ascertained in the following manner: The tonnage deck, in vessels having three or more decks to the hull, shall be the second deck from below; in all other cases the upper deck of the hull is to be the tonnage deck. The length from the fore part of the outer planking on the side of the stem to the after part of the main stern post of screw steamers, and to the after part of the rudder post of all other vessels measured on the top of the tonnage deck, shall be accounted the vessel's length. The breadth of the broadest part on the outside of the vessel shall be accounted the vessel's breadth of beam. A measure from the under side of the tonnage-deck plank, amidships, to the ceiling of the hold (average thickness), shall be accounted the depth of hold. If the vessel has a third deck, then the height from the top of the tonnage-deck plank to the under side of the upper-deck plank shall be accounted as the height under the spar deck. All measurements to be taken in feet and fractions of feet; and all fractions of feet shall be expressed in decimals.

25

Crew Accommodations on Vessels Built After Mar. 4, 1915.

Mar. 3, 1897, sec. 2. (46 U. S. C. 80). On all merchant vessels of the United States the construction of which shall be begun after the passage of this act [Mar. 4, 1915], except yachts, pilot boats, or vessels of less than one hundred tons register, every place appropriated to the crew of the vessel shall have a space of not less than one hundred and twenty cubic feet and not less than sixteen square feet, measured on the floor or deck of that place, for each seaman or apprentice lodged therein, and each seaman shall have a separate berth and not more than one berth shall be placed one above another; such place or lodging shall be securely constructed, properly lighted, drained, heated, and ventilated, properly protected from weather and sea, and, as far as practicable, properly shut off and protected from the effluvium of cargo or bilge water. And every such crew space shall be kept free from goods or stores not being the personal property of the crew occupying said place in use during the voyage.

That in addition to the space allotment for lodgings hereinbefore provided, on all merchant vessels of the United States which in the ordinary course of their trade make voyages of more than three days' duration between ports, and which carry a crew of twelve or more seamen, there shall be constructed a compartment, suitably separated from other spaces, for hospital purposes, and such compartment shall have at least one bunk for every twelve seamen, constituting her crew, provided that not more than six bunks shall be

required in any case.

Every steamboat of the United States plying upon the Mississippi River or its tributaries shall furnish an appropriate place for the crew, which shall conform to the requirements of this section, so far as they are applicable thereto, by providing sleeping room in the engine room of such steamboat, properly protected from the cold, wind, and rain by means of suitable awnings or screens on either side of the guards or sides and forward, reaching from the boiler decks to the lower or main deck, under the direction and approval of the Director of the Bureau of Marine Inspection and Navigation, and

shall be properly heated.

All merchant vessels of the United States, the construction of which shall be begun after the passage of this act [Mar. 4, 1915], having more than ten men on deck must have at least one light, clean, and properly ventilated washing place. There shall be provided at least one washing outfit for every two men of the watch. The washing place shall be properly heated. A separate washing place shall be provided for the fireroom and engine-room men, if their number exceed ten, which shall be large enough to accommodate at least onesixth of them at the same time, and have hot and cold water supply and a sufficient number of wash basins, sinks, and shower baths.

Any failure to comply with this section shall subject the owner or owners of such vessel to a penalty of not less than \$50 nor more than \$500: Provided, That forecastles shall be fumigated at such intervals as may be provided by regulations to be issued by the Surgeon General of the Public Health Service, with the approval of the Department of Commerce, and shall have at least two exits, one of which may be used in emergencies. (Mar. 4, 1915, sec. 6; June 30,

1932 sec. 501; May 27, 1936, sec. 1.)

#### Cabins or Staterooms Excluded From Measurement.

R. S. 4151 (46 U. S. C. 75). No part of any vessel shall be required by the preceding section to be measured or registered for tonnage that is used for cabins or staterooms, and constructed entirely above the first deck, which is not a deck to the hull.

### Gross Tonnage.

R. S. 4153 (46 U. S. C. 77). The register tonnage of every vessel built within the United States or owned by a citizen or citizens thereof shall be her entire internal cubical capacity in tons of one hundred cubic feet each, to be ascertained as follows: Measure the length of the vessel in a straight line along the upper side of the tonnage deck, from the inside of the inner plank, average thickness, at the side of the stem to the inside of the plank on the stern timbers, average thickness, deducting from this length what is due to the rake of the bow in the thickness of the deck, and what is due to the rake of the stern timber in the thickness of the deck, and also what is due to the rake of the stern timber in one-third of the round of the beam; divide the length so taken into the number of equal parts required by the following table, according to the class in such table to which the vessel belongs:

Class one. Vessels of which the tonnage length according to the

above measurement is fifty feet or under: into six equal parts.

Class two. Vessels of which the tonnage length according to the above measurement is above fifty feet, and not exceeding one hundred feet: into eight equal parts.

Class three. Vessels of which the tonnage length, according to the above measurement is above one hundred feet, and not exceeding

one hundred and fifty feet: into ten equal parts.

Class four. Vessels of which the tonnage length according to the above measurement is above one hundred and fifty feet, and not exceeding two hundred feet: into twelve equal parts.

Class five. Vessels of which the tonnage length according to the above measurement is above two hundred feet, and not exceeding two

hundred and fifty feet: into fourteen equal parts.

Class six. Vessels of which the tomage length according to the above measurement is above two hundred and fifty feet: into sixteen equal parts.

Then, the hold being sufficiently cleared to admit of the required depths and breadths being properly taken, find the transverse area of such vessel at each point of division of the length as follows:

Measure the depth at each point of division from a point at a distance of one-third of the round of the beam below such deck; or, in case of a break, below a line stretched in continuation thereof, to the upper side of the floor timber, at the inside of the limber strake, after deducting the average thickness of the ceiling, which is between the bilge planks and limber strake; then, if the depth at the midship division of the length do not exceed sixteen feet, divide each depth into four equal parts; then measure the inside horizontal breadth, at each of the three points of division, and also at the upper and lower points of the depth, extending each measurement to the average thickness of that part of the ceiling which is between the points of measurement; number these breadths from above, numbering the

upper breadth one, and so on down to the lowest breadth; multiply the second and fourth by four, and the third by two; add these products together, and to the sum add the first breadth and the last, or fifth; multiply the quantity thus obtained by one-third of the common interval between the breadths, and the product shall be deemed the transverse area; but if the midship depth exceed sixteen feet, divide each depth into six equal parts, instead of four, and measure as before directed the horizontal breadths at the five points of division, and also at the upper and lower points of the depth; number them from above as before; multiply the second, fourth, and sixth by four, and the third and fifth by two; add these products together, and to the sum add the first breadth and the last, or seventh; multiply the quantities thus obtained by one-third of the common interval between the breadths, and the products shall be deemed the transverse area.

Having thus ascertained the transverse area at each point of division of the length of the vessel, as required above, proceed to ascertain the register tonnage of the vessel in the following manner:

Number the areas successively one, two, three, and so forth, number one being at the extreme limit of the length at the bow, and the last number at the extreme limit of the length at the stern; then, whether the length be divided according to the table into six or sixteen parts, as in classes one and six, or any intermediate number, as in classes two, three, four, and five, multiply the second, and every even-numbered area, by four, and the third, and every odd-numbered area, except the first and last, by two; add these products together, and to the sum add the first and last if they yield anything; multiply the quantities thus obtained by one-third of the common interval between the areas, and the product will be the cubical contents of the space under the tonnage deck; divide this product by one hundred, and the quotient, being the tonnage under the tonnage deck, shall be deemed to be the register tonnage of the vessel subject to the additions hereinafter mentioned.

# Deck Houses, Breaks, etc.

R. S. 4153 (46 U. S. C. 77). If there be a break, a poop, or any other permanent closed-in space on the upper deck, or the spar-deck, available for cargo, or stores, or for the berthing or accommodation of passengers or crew, the tonnage of such space shall be ascertained

as follows:

Measure the internal mean length of such space in feet, and divide it into an even number of equal parts of which the distance asunder shall be most nearly equal to those into which the length of the tonnage-deck has been divided; measure at the middle of its height the inside breadths, namely, one at each end and at each of the points of division, numbering them successively one, two, three, and so forth; then to the sum of the end breadths add four times the sum of the even-numbered breadths and twice the sum of the odd-numbered breadths, except the first and last, and multiply the whole sum by one-third of the common interval between the breadths; the product will give the mean horizontal area of such space; then measure the mean height between the planks of the decks, and multiply by it the mean horizontal area; divide the product by one hun-

dred, and the quotient shall be deemed to be the tonnage of such space, and shall be added to the tonnage under the tonnage-decks, ascertained as aforesaid: Provided, That nothing shall be added to the gross tonnage for any sheltered space above the upper deck which is under cover and open to the weather; that is, not inclosed. (Mar. 2, 1895, sec. 1 (h).)

### Hatchways.

R. S. 4153 (46 U. S. C. 77). The cubical contents of the hatchways shall be obtained by multiplying the length and breadth together and the product by the mean depth taken from the top of beam to the under side of the hatch. From the aggregate tonnage of the hatchways there shall be deducted one-half of 1 percent of the gross tonnage and the remainder only shall be added to the gross tonnage of the ship exclusive of the tonnage of the hatchways.

#### Between Decks.

R. S. 4153 (46 U. S. C. 77). If a vessel has a third deck, or spar deck, the tonnage of the space between it and the tonnage deck shall be ascertained as follows:

Measure in feet the inside length of the space, at the middle of its height, from the plank at the side of the stem to the plank on the timbers at the stern, and divide the length into the same number of equal parts into which the length of the tonnage deck is divided; measure, also at the middle of its height, the inside breadth of the space at each of the points of division, also the breadth of the stem and the breadth at the stern; number them successively one, two, three, and so forth, commencing at the stem; multiply the second, and all other even-numbered breadths, by four, and the third, and all the other odd-numbered breadths, except the first and last, by two; to the sum of these products add the first and last breadths. multiply the whole sum by one-third of the common interval between the breadths, and the result will give, in superficial feet, the mean horizontal area of such space; measure the mean height between the plank of the two decks, and multiply by it the mean horizontal area. and the product will be the cubical contents of the space; divide this product by one hundred, and the quotient shall be deemed to be the tonnage of such space, and shall be added to the other tonnage of the vessel, ascertained as above directed. And if the vessel has more than three decks, the tonnage of each space between decks, above the tonnage deck shall be severally ascertained in the manner above described, and shall be added to the tonnage of the vessel, ascertained as above directed.

# Open Vessels.

R. S. 4153 (46 U. S. C. 77). In ascertaining the tonnage of open vessels the upper edge of the upper strake is to form the boundary line of measurement, and the depth shall be taken from an athwartship line, extending from the upper edge of such strake at each division of the length.

#### Water Ballast.

R. S. 4153 (46 U. S. C. 77). In the case of a ship constructed with a double bottom for water ballast, if the space between the inner and outer plating thereof is certified by the collector to be not

available for the carriage of cargo, stores, or fuel, then the depth of the vessel shall be taken to the upper side of the inner plating of the double bottom, and that upper side shall for the purposes of measurement be deemed to represent the floor timber. From the gross tonnage there shall be deducted any other space adapted only for water ballast certified by the collector not to be available for the carriage of cargo, stores, supplies, or fuel.

Net Tonnage.

R. S. 4153 (46 U. S. C. 77). From the gross tonnage of every vessel of the United States there shall be deducted—

#### CREW ACCOMMODATIONS

(a) The tonnage of the spaces or compartments occupied by or appropriated to the use of the crew of the vessel. Every place appropriated to the crew of the vessel shall have a space of not less than seventy-two cubic feet and not less than twelve superficial feet, measured on the deck or floor of that place, for each seaman or apprentice lodged therein. The provisions of this Act requiring a crew space of seventy-two cubic feet per man shall apply only to vessels the construction of which shall be begun after June thirtieth, eighteen hundred and ninety-five. Such place shall be securely constructed, properly lighted, drained, and ventilated, properly protected from weather and sea, and as far as practicable properly shut off and protected from the effluvium of cargo or bilge water; and failure to comply with this provision shall subject the owner to a penalty of five hundred dollars. Every place so occupied shall be kept free from goods or stores of any kind not being the personal property of the crew in use during the voyage; and if any such place is not so kept free the master shall forfeit and pay to each seaman or apprentice lodged in that place the sum of 50 cents a day for each day during which any goods or stores as aforesaid are kept or stored in the place after complaint has been made to him by any two or more of the seamen so lodged. No deduction from tonnage as aforesaid shall be made unless there is permanently cut in a beam and over the doorway of every such place the number of men it is allowed to accommodate with these words, "certified to accommodate seamen." (Mar. 2, 1895.).

# DEDUCTIONS FOR OTHER PURPOSES

R. S. 4153 (46 U. S. C. 77). (b) Any space exclusively for the use of the master certified by the collector to be reasonable in extent and properly constructed, and the words "Certified for the accommodation of master" to be permanently cut in a beam and over the door of such space.

(c) Any space used exclusively for the working of the helm, the capstan, and the anchor gear, or for keeping the charts, signals, and other instruments of navigation and boatswain's stores, and the words "Certified for steering gear," or "Certified for boatswain's stores," or "Certified chart house," as the case may be, to be permanently cut in the beam and over the doorway of each of such spaces.

(d) The space occupied by the donkey engine and boiler, if con-

nected with the main pumps of the ship.

(e) In the case of a ship propelled wholly by sails any space, not exceeding 2½ per centum of the gross tonnage, used exclusively for storage of sails: *Provided*, That spaces deducted shall be certified by the collector to be reasonable in extent and properly and efficiently constructed for the purposes for which they are intended, and the words "Certified for storage of sails" to be cut on the beam and over the doorway of such space.

### DEDUCTIONS FOR PROPELLING POWER

R. S. 4153 (46 U. S. C. 77). (f) In the case of a ship propelled by steam or other power requiring engine room, a deduction for the space occupied by the propelling power shall be made, as follows:

In ships propelled by paddle wheels in which the tonnage of the space occupied by and necessary for the proper working of the boilers and machinery is above 20 per centum and under 30 per centum of the gross tonnage, the deduction shall be 37 per centum of the gross tonnage; and in ships propelled by screws in which the tonnage of the space is above 13 per centum and under 20 per centum of the gross tonnage, the deduction shall be 32 per centum of the gross tonnage. In the case of screw steamers the contents of the trunk shaft shall be deemed spaces necessary for the proper working of

the machinery.

(g) In the case of other vessels in which the actual space occupied by the propelling machinery amounts in the case of paddle vessels to 20 per centum or under and in the case of screw vessels to 13 per centum or under of the gross tonnage of the ship, the deduction shall consist in the case of paddle vessels of once and a half the tonnage of the actual machinery space and in the case of screw vessels of once and three-fourths the tonnage of the actual machinery space. But if the actual machinery space is so large as to amount in the case of paddle vessels to 30 per centum or above, and in the case of screw vessels to 20 per centum or above of the gross tonnage of the ship, the deduction shall consist of 37 per centum of the gross tonnage of the ship in the case of a paddle vessel and 32 per centum of the gross tonnage in the case of a screw vessel; or if the owner prefers there shall be deducted from the gross tonnage of the vessel the tonnage of the space or spaces actually occupied by or required to be inclosed for the proper working of the boilers and machinery, including the trunk shaft or alley in screw steamers, with the addition in the case of vessels propelled with paddle wheels of 50 per centum, and in the case of vessels propelled by screws of 75 per centum of the tonnage of such space.

(i) On a request in writing to the Director of the Bureau of Marine inspection and Navigation by the owners of a ship the tonnage of such portion of the space or spaces above the crown of the engine room and above the upper deck as is framed in for the machinery or for the admission of light and air and not required to be added to gross tonnage shall, for the purpose of ascertaining the tonnage of the space occupied by the propelling power, be added to the tonnage of the engine space; but it shall then be included in the gross tonnage; such space or spaces must be reasonable in extent, safe, and seaworthy.

and cannot be used for any purpose other than the machinery or for the admission of light and air to the machinery, or boilers of the ship. (June 30, 1932, sec. 501; May 27, 1936, sec. 1.)

Register Tonnage.

R. S. 4153 (46 U. S. C. 77). (i) And the proper deduction from the gross tonnage having been made, the remainder shall be deemed the net or register tonnage of such vessels.

R. S. 4153—(46 U. S. C. 77). (i) The register of the vessel shall express the number of decks, the tonnage under the tonnage deck, that of the between decks, above the tonnage deck; also that of the poop

or other inclosed spaces above the deck, each separately.

R. S. 4153 (46 U. S. C. 77). (i) The register or other official certificate of the tonnage or nationality of a vessel of the United States, in addition to what is now required by law to be expressed therein, shall state separately the deductions made from the gross tonnage, and shall also state the net or register tonnage of the vessel.

But the outstanding registers or enrollments of vessels of the United States shall not be rendered void by the addition of such new statement of her tonnage, unless voluntarily surrendered; but the same may be added to the outstanding document or by an appendix thereto, with a certificate of a collector of customs that the original estimate of tonnage is amended.

Net (Register) Tonnage to be Marked.

R. S. 4153 (46 U.S.C. 77). (i) In every vessel documented as a vessel of the United States the number denoting her net tonnage shall be deeply carved or otherwise permanently marked on her main beam, and shall be so continued; and if the number at any time cease to be continued such vessel shall be subject to a fine of \$30 on every arrival in a port of the United States if she have not her tonnage number legally carved or permanently marked. (June 19, 1886, sec. 5.)

Aug. 5, 1882, sec. 3 (46 U.S.C. 79). Under the direction of the Secretary of Commerce the Director of the Bureau of Marine Inspection and Navigation shall make regulations needful to give effect to the provisions of this Act. (June 19, 1886, sec. 1; Mar. 2, 1895, sec. 4; Feb. 14, 1903; Mar. 4, 1913; June 30, 1932, sec. 501; May 27,

1936, sec. 1.)

Appendix of Measurement.

R. S. 4153 (46 U. S. C. 77). (i) Upon application by the owner or master of an American vessel in foreign trade, collectors of customs, under regulations to be approved by the Secretary of Commerce, are authorized to attach to the register of such vessel an appendix stating separately, for use in foreign ports, the measurement of such space or spaces as are permitted to be deducted from gross tonnage by the rules of other nations and are not permitted by the laws of the United States.

R. S. 4153 (46 U. S. C. 78). This Act shall not be construed to require the remeasurement of any American vessel duly measured before April 1, 1895; but upon application by the owner of any such vessel collectors of customs shall cause such vessel, or the spaces to be deducted, to be measured, according to the provisions of this Act,

and if a new register is not issued the statement of such remeasurement shall be attached by an appendix to the outstanding register or enrollment with a certificate of the collector of customs that the original estimate of tonnage is amended pursuant to this Act.

### Vessels Exempt From Measurement

R. S. 4152 (46 U. S. C. 76). The provisions foregoing relating to the measurement of vessels shall not be deemed to apply to any vessel not required by law to be registered, or enrolled, or licensed, unless otherwise specially provided.

Measurement of Foreign Vessels.

R. S. 4154 (46 U.S.C. 81). Whenever it is made to appear to the Secretary of Commerce that the rules concerning the measurement for tonnage of vessels of the United States have been substantially adopted by the government of any foreign country, he may direct that the vessels of such foreign country be deemed to be of the tonnage denoted in their certificates of register or other national papers, and thereupon it shall not be necessary for such vessel to be remeasured at any port in the United States; and when it shall be necessary to ascertain the tonnage of any vessel not a vessel of the United States, the said tonnage shall be ascertained in the manner provided by law for the measurement of vessels of the United States. (Aug. 5, 1882, sec. 2.)

Suspension of Provisions as to Survey, Inspection and Measurement.

Aug. 18, 1914, sec. 2 (46 U.S.C. 82). The President of the United States is hereby authorized, whenever in his discretion the needs of foreign commerce may require, to suspend by order, so far and for such a length of time as he may deem desirable, the provisions of the law requiring survey, inspection, and measurement by officers of the United States of foreign-built vessels admitted to American registry under this Act.

## Chapter IV .-- LOAD LINE ACTS

Scope of Act of Mar. 2, 1929.

Mar. 2, 1929, sec. 1 (46 U.S. C. 85). Load lines are hereby estab-

lished for the following vessels:

(a) Merchant vessels of one hundred and fifty gross tons or over, loading at or proceeding to sea from any port or place within the United States or its possessions for a foreign voyage by sea, the Great Lakes excepted.

(b) Merchant vessels of the United States of one hundred and fifty gross tons or over, loading at or proceeding to sea from any foreign port or place for a voyage by sea, the Great Lakes excepted.

(c) This Act shall not apply to merchant vessels that are being towed and which are carrying neither cargo nor passengers. (May 26, 1939, Sec. 1.)

#### ESTABLISHMENT OF LOAD LINES

Mar. 2, 1929, sec. 2 (46 U. S. C. 85a). The Secretary of Commerce is hereby authorized and directed in respect of the vessels defined in section 1 (a) and (b) to establish by regulations from time to time the load water lines and marks thereof indicating the maximum depth to which such vessels may safely be loaded and in establishing such load lines due consideration shall be given to, and differentials made for, the various types and character of vessels and the trades in which they are engaged: Provided, That no load line shall be established or marked on any vessel, which load line, in the judgment of the Secretary of Commerce, is above the actual line of safety. Such regulations shall have the force of law.

## MARKING LINES ON VESSEL AND CERTIFICATE OF APPROVAL

Mar. 2, 1929, sec. 3 (46 U. S. C. 85b). It shall be the duty of the owner and of the master of every vessel subject to this act and to the regulations established thereunder to cause the load line or lines so established to be permanently and conspicuously marked upon the vessel in such manner as the Secretary of Commerce shall direct, and to keep the same so marked. The Secretary of Commerce shall appoint the American Bureau of Shipping, or such other American corporation or association for the survey or registry of shipping as may be selected by him, to determine whether the position and manner of marking on such vessels the load line or lines so established are in accordance with the provisions of this act and of the regulations established thereunder: Provided, however, That, at the request of the shipowner, the Secretary of Commerce may appoint, for the purpose aforesaid, any other corporation or association for the survey or registry of shipping which the Secretary of Commerce may approve; or the Secretary of Commerce may appoint for said purpose any officer of the Government, who shall perform such services as may be directed by the Secretary of Commerce. The Secretary of Commerce may, in his discretion, revoke any appointment made pursuant to this section. Such corporation, association, or officer shall, upon approving the position and manner of marking of such load line or lines, issue a certificate, in a form to be prescribed by the Secretary of Commerce, that the same are in accordance with the provisions of this act and of the regulations established thereunder, and shall deliver a copy thereof to the master of the vessel. It shall be unlawful for any vessel subject to this act and to said regulations to depart from any port or place designated in section (1) without bearing such mark or marks, approved and certified by such corporation, association, or officer, and without having on board a copy of said certificate.

### LOAD LINES NOT TO BE SUBMERGED

Mar. 2, 1929, sec. 4 (46 U. S. C. 85c). It shall be unlawful for any vessel subject to this act and to the regulations established thereunder to be so loaded as to submerge, in sea water, the load line or lines marked pursuant to this act and to the regulations established thereunder applicable to her voyage; or so as to submerge under like conditions the point where such load line or lines ought to be marked pursuant to the provisions of this act and of the regulations established thereunder; or so as in any manner to violate the said regulations.

FOREIGN VESSELS, How AFFECTED

Mar. 2, 1929, sec. 5 (46 U. S. C. 85d). Whenever the Secretary of Commerce shall certify that the laws and regulations in force in any foreign country relating to load lines are equally effective with the regulations established under this act, the Secretary of Commerce may direct, on proof that a vessel of that country has complied with such foreign laws and regulations, that such vessel and her master and owner shall be exempted from compliance with the provisions of this act, except as hereinafter provided: Provided, That this section shall not apply to the vessels of any foreign country which does not similarly recognize the load lines established under this act and the regulations made thereunder.

Position of Lines and Drafts to be Entered in Log Book

Mar. 2, 1929, sec. 6 (46 U. S. C. 85e). It shall be the duty of the master of every vessel subject to this act and to the regulations established thereunder and of every foreign vessel exempted pursuant to section 5, before departing from her loading port or place for a voyage by sea, to enter in the official log book of such vessel a statement of the position of the load-line mark applicable to the voyage in question and the actual drafts forward and aft at the time of departing from port as nearly as the same can be ascertained.

#### DETENTION OF VESSEL IF LOADED UNLAWFULLY

Mar. 2, 1929, sec. 7 (46 U. S. C. 85f). If any collector of customs has reason to believe, on complaint or otherwise, that a vessel subject

to this act and to the regulations established thereunder is about to proceed to sea from a port in the United States or its possessions within his district when loaded in violation of section 4, or that any vessel exempted pursuant to section 5 is about to proceed to sea from such port when loaded in violation of the laws and regulations of her country with respect to load line, he may by written order served on the master or officer in charge of such vessel detain her provisionally for the purpose of being surveyed. The collector shall then serve on the master a written statement of the grounds of her detention and shall appoint three disinterested surveyors to examine the vessel and her loading and to report to him, whereupon the said collector may release or may by written order served on the master or officer in charge of such vessel detain the vessel until she has been reloaded in whole or in part so as to conform to section 4; or, in case of a vessel exempted pursuant to section 5, so as to conform to the laws and regulations of her own country with respect to load line. If the vessel be ordered detained, the master may, within five days, appeal to the Secretary of Commerce, who may, if he desires, order a further survey, and may affirm, set aside, or modify the order of the collector. Clearance shall be refused to any vessel which shall have been ordered detained.

#### PENALTIES

Mar. 2, 1929, sec. 8 (46 U.S. C. 85g). (a) If the owner or master of any vessel subject to this act and to the regulations established thereunder shall permit her to depart from her loading port or place without having complied with the provisions of section 3, he shall for each offense be liable to the United States in a penalty of \$500. If the owner or master of any vessel exempted pursuant to section 5 shall permit her to depart from her loading port or place without having the load line or lines required by the laws and regulations of the country to which she belongs marked upon her as required by said laws and regulations, he shall for each offense be liable to the United States in a penalty of \$500. The Secretary of Commerce may, in his discretion, remit or mitigate any penalty imposed under this paragraph or discontinue prosecution therefor on such terms as he may deem proper.

(b) If the master of any vessel subject to this act and to the regulations established thereunder, or of any foreign vessel exempted pursuant to section 5, shall fail, before departing from her loading port or place, to enter in the official log book of such vessel the statement required by section 6, he shall for each offense be liable to the United States in a penalty of \$100. The Secretary of Commerce may, in his discretion, remit or mitigate any penalty imposed under this

paragraph.

(c) If any person shall knowingly permit or cause or attempt to cause any vessel subject to this Act and to the regulations established thereunder to depart, or if, being the owner, manager, agent, or master of such vessel, he shall fail to take reasonable care to prevent her from departing from her loading port or place when loading in violation of section 4, or if any person shall knowingly permit or cause or attempt to cause a foreign vessel exempted pursuant to section 5 to depart, or if, being the owner, manager, agent, or master of such

vessel, he shall fail to take reasonable care to prevent her from departing from her loading port or place when loaded more deeply than permitted by the laws and regulations of the country to which she belongs, he shall, in respect of each offense, be liable to the United States in a penalty of \$500. The Secretary of Commerce may, in his discretion, remit or mitigate any penalty imposed under this

paragraph.

(d) If the master of any vessel or any other person shall knowingly permit or cause or attempt to cause any vessel to depart from any port or place in the United States or its possessions in violation of any order of detention made pursuant to section 7, he shall, in respect of each offense, be guilty of a misdemeanor and shall be punished by a fine not to exceed \$500 or by imprisonment not to exceed three months, or both such fine and imprisonment in the discretion of the court.

(e) If any person shall conceal, remove, alter, deface, or obliterate or shall suffer any person under his control to conceal, remove, alter, deface, or obliterate any mark or marks placed on a vessel pursuant to this act or to the regulations established thereunder, except in the event of lawful change of said marks, or to prevent capture by an enemy, he shall in respect of each offense be guilty of a misdemeanor and shall be punished by a fine not to exceed \$1,000, or by imprisonment not to exceed one year, or both such fine and imprisonment, in the discretion of the court.

#### PROCEDURE FOR ENFORCING

(f) Whenever the owner, manager, agent, or master of a vessel shall become subject to a fine or penalty by way of money payment pursuant to the provisions of this act, the vessel shall also be liable therefor and may be seized and proceeded against in the district court of the United States in any district in which such vessel may be found. (May 26, 1939, sec. 2.)

Coastwise Load Line Act, 1935.

VESSELS LOADING FOR OR PROCEEDING ON COASTWISE VOYAGE BY SEA

Aug. 27, 1935, sec. 1 (46 U. S. C. 88). Load lines are hereby established for merchant vessels of one hundred and fifty gross tons or over, loading at or proceeding to sea from any port or place within the United States or its possessions for a coastwise voyage by sea. By "coastwise voyage by sea" is meant a voyage on which a vessel in the usual course of her employment proceeds from one port or place in the United States or her possessions to another port or place in the United States or her possessions and passes outside the line dividing inland waters from the high seas, as defined in section 2 of the Act of February 19, 1895.

### ESTABLISHMENT OF LOAD LINES

Aug. 27, 1935, sec. 2 (46 U. S. C. 88a). The Secretary of Commerce is hereby authorized and directed in respect of the vessels defined above to establish by regulations from time to time the load

water lines and marks thereof indicating the maximum depth to which such vessels may safely be loaded, and in establishing such load lines due consideration shall be given to, and differentials made for, the various types and character of vessels and the trade in which they are engaged. In establishing load-water lines on passenger vessels due consideration shall be given to, and differentials shall be made for, the age and condition of the vessel, its subdivision and efficacy thereof, and the probable stability of the vessel if damaged: Provided, That the load-line provisions of this Act shall apply to the Great Lakes and that no load line shall be established or marked on any vessel which load line gives a lesser freeboard and less buoyance than the load line established by the International Treaty on Load Lines of 1930, and that the regulations established under this proviso shall have the force of law: Provided further, That in applying the the load lines to vessels on the Great Lakes and to steam colliers, tugs, barges, and self-propelled barges engaged in special services on interisland voyages and on coastwise voyages from port to port in the continental United States the Secretary of Commerce is vested with discretion to vary the load-line marks from those established by said Treaty when in his opinion the changes made by him will not be above the actual line of safety. (June 20, 1936.)

### MARKING LINES ON VESSEL AND CERTIFICATE OF APPROVAL

Aug. 27, 1935, sec. 3 (46 U. S. C. 88b). It shall be the duty of the owner and of the master of every vessel subject to this Act and to the regulations established thereunder to cause the load line or lines so established to be permanently and conspicuously marked upon the vessel in such manner as the Secretary of Commerce shall direct, and to keep the same so marked. The Secretary of Commerce shall appoint the American Bureau of Shipping, or such other American corporation or association for the survey or registry of shipping as may be selected by him, to determine whether the position and manner of marking on such vessels the load line or lines so established are in accordance with the provisions of this Act and of the regulations established thereunder: Provided, however, That, at the request of the shipowner, the Secretary of Commerce may appoint, for the purpose aforesaid, any other corporation or association for the survey or registry of shipping which the Secretary of Commerce may approve; or the Secretary of Commerce may appoint for said purpose any officer of the Government, who shall perform such services as may be directed by the Secretary of Commerce. The Secretary of Commerce may, in his discretion, revoke any appointment made pursuant to this section. Such corporation, association or officer shall, upon approving the position and manner of marking of such load line or lines, issue a certificate, in a form to be prescribed by the Secretary of Commerce, that the same are in accordance with the provisions of this Act and of the regulations established thereunder, and shall deliver a copy thereof to the master of the vessel. It shall be unlawful for any vessel subject to this Act and to said regulations to depart from any port or place designated in section 1 without bearing such mark or marks, approved and certified by such corporation, association, or officer, and without having on board a copy of said certificate.

# LOAD LINES NOT TO BE SUBMERGED

Aug. 27, 1935, sec. 4 (46 U. E. C. 88c). It shall be unlawful for any vessel subject to this Act and to the regulations established thereunder to be so loaded as to submerge the load line or lines marked pursuant to this Act and to the regulations established thereunder applicable to her voyage; or to be so loaded as to submerge under like conditions the point where such load line or lines ought to be marked pursuant to the provisions of this Act and of the regulations established thereunder; or to be so loaded as in any manner to violate the said regulations.

# Foreign Vessels, How Affected

Aug. 27, 1935, sec. 5 (46 U. S. C. 88d). Whenever the Secretary of Commerce shall certify that the laws and regulations in force in any foreign country relating to load lines are equally effective with the regulations established under this Act, the Secretary of Commerce may direct, on proof that a vessel of that country has complied with such foreign laws and regulations, that such vessel and her master and owner shall be exempted from compliance with the provisions of this Act, except as hereinafter provided: Provided, That this section shall not apply to the vessels of any foreign country which does not similarly recognize the load lines established under this Act and the regulations made thereunder.

### Position of Lines and Drafts To Be Entered in Log Book

Aug. 27, 1935, sec. 6 (46 U. S. C. 88e). It shall be the duty of the master of every vessel subject to this Act and to the regulations established thereunder and of every foreign vessel exempted pursuant to section 5, before departing from her loading port or place to provide a ship's record or log book and enter therein a statement of the position of the load line marked applicable to the voyage in question and the actual drafts forward and aft at the time of departing as nearly as the said drafts can be ascertained.

## DETENTION OF VESSEL IF LOADED UNLAWFULLY

Aug. 27, 1935, sec. 7 (46 U. S. C. 88f). If any collector of customs has reason to believe on complaint or otherwise that a vessel subject to the provisions of this Act is about to proceed on a voyage from a port in the United States or its possessions within his district without conforming to the provisions of section 3 hereof, or when loaded in violation of section 4 hereof, or that any vessel exempted pursuant to section 5 hereof is about to proceed on a voyage from such port when loaded in violation of the laws and regulations of her country with respect to load line, he may serve on the master or officer in charge of such vessel a written order detaining the vessel for the purpose of being surveyed to determine whether or not the provisions of this Act are complied with. Where the detention is on the ground that the vessel does not conform to the provisions of section 3 hereof, the collector shall cause an examination of the vessel to be made, and if from such examination it appears that the vessel is

not marked with the load line established in conformity with the provisions of this Act, the collector shall so notify the master or officer in charge of such vessel and shall detain her until a load line shall have been duly established in accordance with section 3 hereof. provided that in cases of exceptional hardship, subject to regulations issued by the Secretary of Commerce, the collector may cause a proper load line to be provisionally established by one of the agencies or persons designated under section 3 hereof, which provisional load line shall constitute a compliance with the provisions of this Act only until completion of the particular voyage in which the vessel is at the time engaged. After such establishment or provisional establishment of a load line the collector shall appoint three disinterested surveyors to examine the loading of the vessel and to report to him whether such vessel is so loaded as to submerge said provisional load line and if from such report it appears that the vessel is so loaded, the collector may by written order served on the master or officer in charge of said vessel detain the vessel until she has been reloaded in whole or in part so as not to submerge said provisional load line or lines. Where the detention is on the ground of a supposed violation of section 4 or section 5 hereof, the collector shall appoint three disinterested surveyors to examine the vessel and her loading and to report to him and if from such report it appears that the vessel is loaded in violation of the provisions of sections 4 or 5 hereof, the collector shall so notify in writing the master or other officer in charge of such vessel and detain the vessel until she has been reloaded in whole or in part so as to conform to the provisions of sections 4 or 5 hereof. If a vessel is ordered detained by a collector acting under the provisions of this section, the master may within five days appeal to the Secretary of Commerce, who, if he so desires, may order a further survey and may affirm, set aside, or modify the order of the collector. Clearance shall be refused to any vessel which shall have been ordered detained.

## PENALTIES

Aug. 27, 1935, sec. 8 (46 U. S. C. 88g). (a) If the owner or master of any vessel subject to this Act and to the regulations established thereunder shall permit her to depart from any port or place designated in section 1 without having complied with the provisions of section 3, he shall for each offense be liable to the United States in a penalty of \$500. If the owner or master of any vessel exempted pursuant to section 5 shall permit her to depart from any port or place designated in section 1 without having the load line or lines required by the laws and regulations of the country to which she belongs marked upon her as required by said law and regulations, he shall for each offense be liable to the United States in a penalty of \$500. The Secretary of Commerce may, in his discretion, remit or mitigate any penalty imposed under this paragraph, or discontinue prosecution therefor on such terms as he may deem proper.

(b) If the master of any vessel subject to this Act, or of any foreign vessel exempted pursuant to section 5, shall fail, before departing from any port or place designated in section 1, to enter in and make a part of the ship's record or log book the statement required by section 6, he shall for each offense be liable to the United

States in a penalty of \$100. The Secretary of Commerce may, in his discretion, remit or mitigate any penalty imposed under this

paragraph.

(c) If any person shall knowingly permit or cause or attempt to cause any vessel subject to this Act to depart or arrive, or if, being the owner, manager, agent, or master of such vessel, he shall fail to take reasonable care to prevent her from departing from or arriving at any port or place designated in section 1 when loaded in violation of section 4, or if any person shall knowingly permit or cause or attempt to cause a foreign vessel exempted pursuant to section 5 to depart or arrive, or if, being the owner, manager, agent, or master of such vessel he shall fail to take reasonable care to prevent her from departing from or arriving at any port or place designated in section 1 when loaded more deeply than permitted by the laws and regulations of the country to which she belongs, he shall, in respect of each offense, be liable to the United States, in a penalty of \$500 unless the vessel's departure or arrival was, under the circumstances. reasonable and justifiable. The Secretary of Commerce may, in his discretion, remit or mitigate any penalty imposed under this paragraph.

(d) If the master of any vessel or any other person shall knowingly permit or cause or attempt to cause any vessel to depart from any port or place in the United States or its possessions in violation of any order of detention made pursuant to section 7, he shall, in respect of each offense, be guilty of a misdemeanor and shall be punished by a fine not to exceed \$500 or by imprisonment not to exceed three months, or both such fine and imprisonment, in the

discretion of the court.

(e) If any person shall conceal, remove, alter, deface, or obliterate or shall suffer any person under his control to conceal, remove, alter, deface, or obliterate any mark or marks placed on a vessel pursuant to this Act or to the regulations established thereunder, except in the event of lawful change of said marks, or to prevent capture by an enemy, he shall in respect of each offense be guilty of a misdemeanor and shall be punished by a fine not to exceed \$1,000, or by imprisonment not to exceed one year, or both such fine and imprisonment, in the discretion of the court.

(f) Whenever the owner, manager, agent, or master of a vessel shall become subject to a fine or penalty by way of money payment pursuant to the provisions of this Act, the vessel shall also be liable therefor and may be seized and proceeded against in the district court of the United States in any district in which such vessel may be found.

## Chapter V.—INSPECTION OF VESSELS

#### General Provisions.

R. S. 4399 (46 U. S. C. 361). Every vessel subject to inspection propelled in whole or in part by steam or by any other form of mechanical or electrical power shall be considered a steam vessel within the meaning of and subject to all of the provisions of this Act: Provided, however, That motor boats as defined in the Act of June 9, 1910, are exempt from the provisions of this Act. (June 13, 1933.)

R. S. 4400 (46 U. S. C. 362). All steam vessels navigating any waters of the United States which are common highways of commerce or open to general or competitive navigation, excepting public vessels of the United States, vessels of other countries, and boats propelled in whole or in part by steam for navigating canals, shall be subject to the provisions of this Title. [See Aug. 18, 1914, sec, 2, p. 43.] (Aug. 7, 1882; Mar. 1, 1895; Feb. 15, 1902; Mar. 17, 1906.)

## Vessels of Maritime Commission.

Oct. 25, 1919 (46 U. S. C. 363). All steam vessels owned or operated by the United States Maritime Commission, or any corporation organized or controlled by it shall be subject to all the provisions of Title LII of the Revised Statutes of the United States for the regulation of steam vessels and acts amendatory thereof or supplemented thereto.

Note.—Under the Act of June 29, 1936, sec. 204 (46 U. S. C. 1114), all the functions, powers, and duties vested in the former United States Shipping Board by the Shipping Act, 1916, the Merchant Marine Act, 1920, the Merchant Marine Act, 1928, the Intercoastal Shipping Act, 1933, and amendments to those acts, and formerly vested in the Department of Commerce pursuant to section 12 of the President's Executive order of June 10, 1933, were transferred to the United States Maritime Commission.

### Foreign Steam Passenger Vessels.

R. S. 4400 (46 U. S. C. 362). \* \* \* And all foreign private steam vessels carrying passengers from any port of the United States to any other place or country shall be subject to the provisions of sections 4417, 4418, 4421, 4422, 4423, 4424, 4470, 4471, 4472, 4473, 4479, 4482, 4488, 4496, 4497, 4499, and 4500 of this Title [LII], and shall be liable to visitation and inspection by the proper officer, in any of the ports of the United States, respecting any of the provisions of the sections aforesaid: Provided, however, That when such foreign passenger steamers belong to countries having inspection laws approximating those of the United States, and have unexpired certificates of inspection issued by the proper authorities in the respective countries to which they belong, they shall be subject to no other inspection than necessary to satisfy the local inspectors that the condition of the vessel, her boilers, and her life-saving equipments are as stated in the eurrent certificate of inspection; but no such certificate of inspection shall be accepted as evidence of lawful inspection except when presented by steam vessels of other countries which have by their laws

accorded to the steam vessels of the United States visiting such countries the same privilege accorded herein to the steam vessels of such countries visiting the United States; it being further provided that there shall be collected and paid into the Treasury of the United States the same fees for the inspection of foreign passenger steamers carrying passengers from the United States that any foreign nation shall charge the merchant vessels of the United States trading to the ports of such nationality; it being further provided that the Secretary of Commerce shall have the power to waive at any time the collection of such fees upon due notice of the proper authorities of any country concerned that the collection of fees for the inspection of American steam merchant vessels has been discontinued.

It is further provided that the Secretary of Commerce may, in his discretion, permit any foreign passenger steamer coming within the provisions of this Act whose foreign certificate of inspection shall have expired at sea since last leaving the country to which said vessel belongs, or while said vessel shall have been in a port of the United States, to sail upon her regular route without undergoing any further inspection than would have been required had said foreign certificate of inspection been in force: Provided, however, That such discretion shall be exercised only with respect of vessels operated upon regularly established lines, and in cases where such foreign passenger steamers will be regularly inspected by the authorities of her home government before her next return to a port of the United States. (Mar. 17, 1906, sec. 1.)

Note.—See International Convention for Safety of Life at Sea, p. 89.

Registered Foreign-built Vessels.

Mar. 3, 1897, sec. 14 (46 U. S. C. 366). The Secretary of Commerce be, and he is hereby, authorized to direct the inspection of any foreign vessel, admitted to American registry, its steam boilers, steam pipes, and appurtenances, and to direct the issue of the usual certificate of inspection, whether said boilers, steam pipes, and appurtenances are or are not constructed pursuant to the laws of the United States, or whether they are or are not constructed of iron stamped pursuant to said laws. The tests in the inspection of such boilers, steam pipes, and appurtenances shall be the same in all respects as to strength and safety as are required in the inspection of boilers constructed in the United States for marine purposes.

President May Suspend Inspection Laws.

Aug. 18, 1914, sec. 2 (46 U. S. C. 83). The President of the United States is hereby authorized, whenever in his discretion the needs of foreign commerce may require, to suspend by order, so far and for such a length of time as he may deem desirable, the provisions of the law requiring survey, inspection, and measurement by officers of the United States of foreign-built vessels admitted to American registry under this Act.

President May Apply Inspection Laws to Virgin Islands.

June 22, 1936, sec. 4 (d) (48 U. S. C. 1485). The legislative assembly of the Virgin Islands shall have power to enact navigation, boat inspection, and safety laws of local application; but the President shall have power to make applicable to the Virgin Islands such of the navigation, vessel inspection, and coastwise laws of the United

States as he may find and declare to be necessary in the public interest, and, to the extent that the laws so made applicable conflict with any laws of local application enacted by the Legislative Assembly, such laws enacted by the Legislative Assembly shall have no force and effect.

Authority to Promulgate Regulations.

R. S. 4462 (46 U. S. C. 416). The Secretary of Commerce shall make such regulations as may be necessary to secure the proper execution of this Title. [R. S. 4399–4500.]

Coastwise and Great Lakes Vessels.

R. S. 4401 (46 U. S. C. 364). All coastwise seagoing vessels, and vessels navigating the Great Lakes, shall be subject to the navigation laws of the United States, when navigating within the jurisdiction thereof; and all vessels propelled in whole or in part by steam, and navigating as aforesaid, shall be subject to all the rules and regulations established in pursuance of law for the government of steam vessels in passing, as provided by this Title [R. S. 4399-4500]; and every coastwise seagoing steam vessel subject to the navigation laws of the United States, and to the rules and regulations aforesaid, not sailing under register, shall, when under way, except on the high seas, be under the control and direction of pilots licensed by the inspectors of steamboats.

Hulls and Equipment.

R. S. 4417 (46 U. S. C. 391). The local inspectors shall, once in every year, at least, carefully inspect the hull of each steam vessel within their respective districts, and shall satisfy themselves that every such vessel so submitted to their inspection is of a structure suitable for the service in which she is to be employed, has suitable accommodations for passengers and the crew, and is in a condition to warrant the belief that she may be used in navigation as a steamer, with safety to life, and that all the requirements of law in regard to fires, boats, pumps, hose, life preservers, floats, anchors, cables, and other things are faithfully complied with; and if they deem it expedient they may direct the vessel to be put in motion, and may adopt any other suitable means to test her sufficiency and that of her equipment. The local inspectors shall, once in every year, at least, carefully inspect the hull of each sail vessel of over seven hundred tons carrying passengers for hire and all other vessels and barges of over one hundred tons burden carrying passengers for hire within their respective districts, and shall satisfy themselves that every such vessel so submitted to their inspection is of a structure suitable for the service in which she is to be employed, has suitable accommodations for the crew, and is in condition to warrant the belief that she may be used in navigation with safety to life: Provided, That yessels while laid up and dismantled and out of commission may, by regulations established by the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, be exempted from any or all inspection under sections 4417, 4418, 4426, 4427. Whenever any inspector or assistant inspector shall, in the performance of his duty, find on board any vessel subject to the provisions of this Title [R. S. 4399-4500] as part of the required equipment thereof, any equipment, machinery, apparatus, or appliances

not conforming to the requirements of law, he shall require the same to be placed in proper condition by the owner or master of the said vessel, if possible; and if said inspector or assistant inspector shall find on board any such vessel any life preservers or fire hose so defective as to be incapable of repair, he shall require that the same be destroyed in his presence by such owner or master. And in any of the foregoing cases local inspectors by whom or under whose supervision said vessel is then being inspected shall have power to enforce the foregoing requirements by revoking the certificate of the said vessel, and by refusing to issue a new certificate to the said vessel until the said requirements shall have been fully complied with or until such action of the local inspectors shall have been reversed, modified, or set aside by the supervising inspector of the district on proper appeal by the owner or master of said vessel, which appeal shall be made to the said supervising inspector within ten days after the final action as aforesaid by the local inspectors; and upon such appeal, duly made, the supervising inspector shall have power to affirm, modify, or set aside such action by the local inspectors. (Dec. 21, 1898, sec. 4; Mar. 3, 1905, sec. 1; Mar. 4, 1913.) [See Aug. 18, 1914, p. 43.]

#### Tank Vessels.

R. S. 4417 (a) (46 U. S. C. 391a). (1) All vessels, regardless of tonnage, size, or manner of propulsion, and whether self-propelled or not, and whether carrying freight or passengers for hire or not, that shall have on board any inflammable or combustible liquid cargo in bulk, except public vessels owned by the United States, other than those engaged in commercial service, shall be considered steam vessels for the purposes of this title and shall be subject to the provisions thereof: Provided, That this section shall not apply to vessels having on board only inflammable or combustible liquid for use as fuel or stores or to vessels carrying liquid cargo only in drums, barrels, or other packages.

# ESTABLISHMENT OF REGULATIONS

(2) In order to secure effective provision against the hazards of life and property created by the vessels to which this section applies, the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, shall establish such additional rules and regulations as may be necessary with respect to the design and construction, alteration, or repair of such vessels, including the superstructures, hulls, places for stowing and carrying such liquid cargo, fittings, equipment, appliances, propulsive machinery, auxiliary machinery, and boilers thereof; and with respect to all materials used in such construction, alteration, or repair; and with respect to the handling and stowage of such liquid cargo; the manner of such handling or stowage, and the machinery and appliances used in such handling and stowage; and with respect to equipment and appliances for life-saving and fire protection; and with respect to the operation of such vessels; and with respect to the requirements of the manning of such vessels and the duties and qualifications of the officers and crews thereof; and with respect to the inspection of all the foregoing: Provided, That the provisions of this section shall not apply to common carriers engaged in interstate or foreign commerce which transport such liquid cargo by water insofar only as such common carriers are subject to the regulations formulated by the Interstate Commerce Commission under the provisions of section 233 of the Act of March 4, 1909 (ch. 321, 35 Stat. 1135), as amended (U. S. C., 1934 ed., title 18, sec. 383). In establishing such rules and regulations the Board of Supervising Inspectors may, with the approval of the Secretary of Commerce, adopt rules of the American Bureau of Shipping or similar American classification society for classed vessels insofar as such rules pertain to the efficiency of hulls and the reliability of machinery of vessels to which this section applies. In establishing such rules and regulations, the Board of Supervising Inspectors shall give due consideration to the kinds and grades of such liquid cargo permitted to be on board such vessel.

(3) Before any rules and regulations, or any alteration, amendment, or repeal thereof, are approved by the Secretary of Commerce under the provisions of this section, except in an emergency, the said Secretary shall publish such rules and regulations and hold hearings with respect thereto on such notice as he deems advisable under the

circumstances.

#### CERTIFICATES OF INSPECTION

(4) No vessel subject to the provisions of this section shall, after the effective date of the rules and regulations established hereunder, have on board such liquid cargo, until a certificate of inspection has been issued to such vessel in accordance with the provisions of this title and until a permit has been endorsed on such certificate of inspection by a board of local inspectors, indicating that such vessel is in compliance with the provisions of this section and the rules and regulations established hereunder, and showing the kinds and grades of such liquid cargo that such vessel may have on board or transport. Such permit shall not be endorsed by a board of local inspectors on such certificate of inspection until such vessel has been inspected by such board of local inspectors, or by any other board or officer of the Bureau of Marine Inspection and Navigation designated by the Director thereof, and found to be in compliance with the provisions of this section and the rules and regulations established hereunder. For the purpose of any such inspection, approved plans and certificates of class of the American Bureau of Shipping or other recognized classification society for classed vessels may be accepted as evidence of the structural efficiency of the hull and the reliability of the machinery of such classed vessels except as far as existing law places definite responsibility on the Bureau of Marine Inspection and Navigation. A permit issued under the provisions of this section shall be valid for a period of time not to exceed the duration of the certificate of inspection on which such permit is endorsed, and shall be subject to revocation by a board of local inspectors whenever such a board shall find that the vessel concerned does not comply with the conditions upon which such permit was issued: *Provided*, That the provisions of this subsection shall not apply to vessels of a foreign nation having on board a valid certificate of inspection recognized under law or treaty by the United States: And provided further, That no permit shall be issued under the provisions of this section authorizing to be on board any vessel, described in the provisions of sections 4472 and 4278 of the Revised Statutes, section 234 of the Act of March 4, 1909 (ch. 321, 35 Stat. 1135), as amended (U. S. C., 1934 ed., title 18, sec. 384), and section 8 of the Act of August 2, 1882 (ch. 374, 22 Stat. 189; U. S. C., 1934 ed., title 46, sec. 171), any of the materials expressly prohibited to be carried on such vessels by the afore-mentioned provisions.

(5) Vessels subject to the provisions of this section shall have on board such shipping documents as may be prescribed by the Board of Supervising Inspectors with the approval of the Secretary of Commerce indicating the kinds, grades, and approximate quantities of such liquid cargo, on board such vessel, the shippers and consignees thereof, and the location of the shipping and destination points.

#### TANKERMAN CERTIFICATES

- (6) (a) In all cases where the certificate of inspection does not require at least two licensed officers, a board of local inspectors shall enter in the permit issued to any vessel under the provisions of this section the number of the crew required to be certificated as tankermen.
- (b) A board of local inspectors shall issue to applicants certificates as tankerman, stating the kinds of liquid cargo the holder of such certificate is, in the judgment of such board, qualified to handle aboard vessels with safety, upon satisfactory proof and examination, in form and manner prescribed by the Board of Supervising Inspectors with the approval of the Secretary of Commerce, that the applicant is in good physical condition, that such applicant is trained in and capable efficiently to perform the necessary operations aboard vessels having such liquid cargo on board, and that the applicant fulfills the qualifications of tankerman as prescribed by the Board of Supervising Inspectors under the provisions of this section. certificates shall be subject to suspension or revocation on the same grounds and in the same manner and with like procedure as is provided in the case of suspension or revocation of licenses of officers under the provisions of section 4450 of this title.

(7) The owner, master, or person in charge of any vessel subject to the provisions of this section, or any or all of them, who shall violate the provisions of this section, or of the rules and regulations established hereunder, shall be subject to a fine of not more than \$1,000 or imprisonment for not more than one year, or both such fine

and imprisonment.

(8) The rules and regulations to be established pursuant to this section shall become effective ninety days after their promulgation unless the Secretary of Commerce shall for good cause fix a different

Vessels Carrying Inflammable or Explosive Cargo: Penalty.

Aug. 26, 1935, sec. 1 (46 U. S. C. 178). No vessel, regardless of size or rig, excepting public vessels of the United States, shall transport on the navigable waters of the United States, from point to point in the continental United States, any inflammable, explosive, or like dangerous cargo or anchor in such waters or go into drydock for repairs while having on board such dangerous cargo, until such vessel has been inspected by the board of local inspectors to determine that such cargo may be carried on such vessel with safety, and a permit issued to her for the presence on board of such cargo, which permit shall be framed under glass and posted in a conspicuous part of the

vessel.

The Secretary of Commerce is authorized and directed to promulgate rules and regulations concerning construction, the appliances, and apparatus for stowage, of vessels used in the transportation of inflammable, explosive, or like dangerous cargo on said vessels in order to preserve life and property while in operation or at anchor. The local board of inspectors shall not issue a permit to any vessel until it finds that said vessel is in substantial compliance with the rules and regulations promulgated by the Secretary of Commerce: Provided, That this Act shall not apply to a vessel covered by an unexpired certificate of inspection duly issued in accordance with law by the local inspectors of the Bureau of Marine Inspection and Navigation or, if a foreign vessel, by an unexpired certificate of inspection issued under the authority of its own government and recognized under law or treaty by the Government of the United States.

Aug. 26, 1935, sec. 2 (46 U. S. C. 179). A penalty of not to exceed \$500 may be imposed for each violation of any of the provisions of this Act or of any of the rules and regulations promulgated under the authority of this Act. The vessel shall be liable for the said penalty and may be seized and proceeded against, by way of libel, in the District Court of the United States for any district within which

such vessel may be found.

#### Name of Vessel.

R. S. 4495 (46 U. S. C. 493). Every steam vessel of the United States, in addition to having her name painted on her stern, shall have the same conspicuously placed in distinct, plain letters, of not less than six inches in length on each outer side of the pilot house, if it has such, and in case the vessel has side wheels, also on the outer side of each wheelhouse; and if any such steamboat be found without having her name placed as required, she shall be subject to the same penalty and forfeiture as provided by law in the case of a vessel of the United States found without having her name, and the name of the port to which she belongs, painted on her stern.

# Ferryboats, Canal Boats, Yachts, and Other Small Craft.

R. S. 4426 (46 U. S. C. 404). The hull and boilers of every ferry-boat, canal boat, yacht, or other small craft of like character propelled by steam, shall be inspected under the provisions of this Title. Such other provisions of law for the better security of life as may be applicable to such vessel shall, by the regulations of the board of supervising inspectors, also be required to be complied with before a certificate of inspection shall be granted, and no such vessel shall be navigated without a licensed engineer and a licensed pilot: Provided, however, That in open steam launches of ten gross tons and under, one person, if duly qualified, may serve in the double capacity of pilot and engineer. All vessels of above fifteen gross tons carrying freight or passengers for hire, but not engaged in fishing as a regular business, propelled by gas, fluid, naphtha, or electric motors, shall be, and are hereby, made subject to all the provisions of section 4426 of the

Revised Statutes of the United States [46 U. S. C. 404] relating to the inspection of hulls and boilers and requiring engineers and pilots, and for any violation of the provisions of this Title applicable to such vessels, or of rules or regulations lawfully established thereunder, and to the extent to which such provisions of law and regulations are so applicable, the said vessels, their masters, officers, and owners shall be subject to the provisions of sections 4496, 4497, 4498, 4499, and 4500 [46 U. S. C. 494–498], relating to the imposition and en-

forcement of penalties and the enforcement of law. All vessels of fifteen gross tons or less propelled in whole or in part by gas, gasoline, petroleum, naphtha, fluid, or electricity, and carrying passengers for hire, shall carry one life preserver, of the sort prescribed by the regulations of the board of supervising inspectors, for every passenger carried, and no such boat while so carrying passengers shall be operated or navigated except in charge of a person duly licensed for such service by the local board of inspectors. No examination shall be required as a condition of the obtaining of such a license, and any such license shall be revoked or suspended by the local board of inspectors for misconduct, gross negligence, recklessness in navigation, intemperance, or violation of law on the part of the holder, and, if revoked, the person holding such license shall be incapable of obtaining another such license for one year from the date of revocation. (Dec. 22, 1890; Jan. 18, 1897, sec. 1; Mar. 3, 1905, sec. 4; May 16, 1906.) [See Motor Boat Act, p. 380.]

June 25, 1890 (46 U. S. C. 365). Trondequoit Bay, New York, shall, for the purpose of applying the provisions of Title LII of the Revised Statutes [R. S. 4399-4500], relating to steam vessels navigating thereon, be declared a navigable water of the United States; and steam vessels navigated thereon, and carrying passengers, shall be inspected under the provisions of section 4426 [46 U. S. C. 404] of the Title [R. S. 4399-4500] referred to, and subject to the penalties

provided therein for a failure to comply therewith.

# Tugboats, Towing Boats, and Freight Boats.

R. S. 4427 (46 U. S. C. 405). The hull and boiler of every tugboat, towing boat, and freight boat shall be inspected, under the provisions of this Title [R. S. 4399-4500]; and the inspectors shall see that the boilers, machinery, and appurtenances of such vessel are not dangerous in form or workmanship, and that the safety valves, gauge cocks, low-water alarm indicators, steam gauges, and fusible plugs are all attached in conformity to law; and the officers navigating such vessels shall be licensed in conformity with the provisions of this Title, and shall be subject to the same provisions of law as officers navigating passenger steamers. [See act July 9, 1886, sec. 1, p. 86.]

# Motor-Propelled Sea-Going Vessels of 300 Gross Tons.

June 20, 1936, sec. 1 (46 U. S. C. 367). Existing laws covering the inspections of steam vessels be, and they are hereby, made applicable to seagoing vessels of three hundred gross tons and over propelled in whole or in part by internal-combustion engines to such extent and upon such conditions as may be required by the regulations of the Board of Supervising Inspectors of Steam Vessels, with the approval of the Secretary of Commerce: Provided, That this act shall not apply

to any vessel engaged in fishing, oystering, clamming, crabbing, or any other branch of the fishery or kelp or sponge industry: Provided further, That as to licenses required for masters and engineers operating vessels propelled by internal-combustion engines operating exclusively in the district covering the Hawaiian Islands, said masters and engineers shall be under the jurisdiction of the hull and boiler inspectors having jurisdiction over said waters, who shall make diligent inquiry as to the character, merits, and qualifications, and knowledge and skill of any master or engineer applying for a license. If the said inspectors shall be satisfied from personal examination of the applicant and from other proof submitted that the applicant possesses the requisite character, merits, qualifications, knowledge, and skill, and is trustworthy and faithful, they shall grant him a license for the term of five years to operate such vessel under the limits prescribed in the license.

June 20, 1936, sec. 2 (46 U. S. C. 367). The term "seagoing vessels" as used in the preceding sections shall be construed to mean vessels which in the usual course of their employment proceed outside the line dividing the inland waters from the high seas as designated and determined under the provisions of section 2 of the act of February

19, 1895.

Seagoing Barges.

May 28, 1908, sec. 10 (43 U. S. C. 395). The local inspectors of steamboats shall at least once in every year inspect the hull and equipment of every seagoing barge of one hundred gross tons or over, and shall satisfy themselves that such barge is of a structure suitable for the service in which she is to be employed, has suitable accommodations for the crew, and is in a condition to warrant the belief that she may be used in navigation with safety to life. They shall then issue a certificate of inspection in the manner and for the purposes prescribed in sections 4421 and 4423 [46 U. S. C. 399, 400] of the Revised Statutes.

# LIFE-SAVING APPLIANCES

May 28, 1908, sec. 11 (46 U. S. C. 396). Every such barge shall be equipped with the following appliances of kinds approved by the Board of Supervising Inspectors: At least one lifeboat, at least one anchor with suitable chain or cable, and at least one life preserver for each person on board.

# Inspection Condition Precedent to Documentation

May 28, 1908, sec. 12 (46 U. S. C. 397). A register, enrollment, or license shall not be issued or renewed by any collector or other officer of customs to any such barge unless at the time of issue or renewal such barge has in force the certificate of inspection prescribed by section 10 and on board the equipment prescribed by section 11. (Mar. 4, 1915, sec. 6.) [See p. 56.]

# PENALTY FOR NAVIGATING WITHOUT INSPECTION CERTIFICATE

May 28, 1908, sec. 13 (46 U.S. C. 398). If any such barge shall be navigated without such certificate of inspection, or without any

part of the equipment prescribed by section 11, the owner shall be liable to a penalty of \$500 for each offense.

### LENGTH OF TOWING HAWSER

May 28, 1908, sec. 14 (33 U. S. C. 152). The Commandant of the Coast Guard <sup>1</sup> and the Director of the Bureau of Marine Inspection and Navigation shall convene as a board at such times as the Secretary of Commerce shall prescribe to prepare regulations limiting the length of hawsers between towing vessels and seagoing barges in tow and the length of such tows within any of the inland waters of the United States designated and defined from time to time pursuant to section two of the Act approved February 19, 1895 [33 U. S. C. 151], and such regulations when approved by the Secretary of Commerce shall have the force of law. (June 30, 1932, sec. 501; May 27, 1936, sec. 1.)

LICENSE OF MASTER OF TOWING VESSEL MAY BE SUSPENDED OR REVOKED

MAY 28, 1908, sec. 15 (33 U. S. C. 153). The master of the towing vessel shall be liable to the suspension or revocation of his license for any willful violation of regulations issued pursuant to section 14 [33 U. S. C. 152] in the manner now prescribed for incompetency, misconduct, or unskillfulness.

Boilers, Propelling Machinery, Etc.

R. S. 4418 (46 U. S. C. 392). The local inspectors shall also inspect. before the same shall be used and once at least in every year thereafter, the boilers, unfired pressure vessels, and appurtenances thereof, also the propelling and auxiliary machinery, electrical apparatus and equipment, of all vessels subject to inspection; and the inspectors shall satisfy themselves by thorough examination that the same are in conformity with law and the rules and regulations of the Board of Supervising Inspectors, and may be safely employed in the service proposed. No boiler, unfired pressure vessel, or appurtenances thereof shall be allowed to be used if constructed in whole or in part of defective material or which because of its form, design, workmanship, age, use, or for any other reason is unsafe. At each annual inspection all boilers, unfired pressure vessels, and main steam piping shall be subjected to hydrostatic tests or such other tests as may be prescribed by the Board of Supervising Inspectors. The ratio of the hydrostatic test to the maximum working pressure shall be determined by action of the Board of Supervising Inspectors. (June 19, 1886, sec. 14; Mar. 3, 1905, sec. 1; June 13, 1933.)

Obstructing Safety Valves.

R. S. 4437 (46 U. S. C. 413). Every person who intentionally loads or obstructs, or causes to be loaded or obstructed, in any way or manner, the safety valve of a boiler, or who employs any other means or device whereby the boiler may be subjected to a greater pressure than the amount allowed by the certificate of the inspectors, or who intentionally deranges or hinders the operation of any machinery or device employed to denote the state of the water or steam in any

<sup>&</sup>lt;sup>1</sup> Executive order issued pursuant to Reorganization Act, 1938, transferred Bureau of Lighthouses from Department of Commerce to Coast Guard Bureau, Treasury Department.

boiler, or to give warning of approaching danger, or who intentionally permits the water to fall below the prescribed low-water line of the boiler, and every person concerned therein, directly or indirectly, shall be guilty of a misdemeanor, and shall be fined \$200, and may also be imprisoned not exceeding five years.

Control of Safety Valves.

R. S. 4419 (46 U. S. C. 393). One of the safety valves may, if in the opinion of the local inspectors it is necessary to do so, and the steam registers shall, be taken wholly from the control of all persons engaged in navigating such vessel and secured by the inspectors.

Construction of Boilers.

R. S. 4428 (46 U. S. C. 406). All boilers and unfired pressure vessels constructed of iron or steel plates or other approved metals for use on vessels subject to inspection shall be made of material that has been tested, inspected, and stamped in accordance with the requirements of this Act. (June 13, 1933.)

Punishment for Improper Construction.

R. S. 4429 (46 U. S. C. 407). Any person, firm, or corporation who constructs a boiler, or steam pipe connecting the boilers, or an unfired pressure vessel for use on vessels subject to inspection, of iron or steel plates or other approved metals which have not been duly tested, inspected, and stamped according to the provisions of this Act and the requirements of the Board of Supervising Inspectors; or who knowingly uses any defective material in the construction of such boiler, steam pipe, or pressure vessel; or who drifts any rivet hole to make it come fair; or who delivers any such boiler, steam pipe, or pressure vessel for use, knowing it to be defective in design, material, or construction, shall be fined \$1,000. Nothing in this Act shall be so construed as to prevent from being used on such vessels any boiler, steam generator, steam pipe, or unfired pressure vessel which may not be constructed or riveted iron or steel plates: Provided, That scientific data and facts are submitted to enable the board of supervising inspectors to satisfy themselves that such boiler, steam generator, or pressure vessel is equal in strength and as safe from explosion as one of the best quality of iron or steel plates of riveted construction: Provided, however, That the Secretary of Commerce may grant permission to use any boiler, steam generator, or unfired pressure vessel not of iron or steel plate riveted construction upon the certificate of the supervising inspector for the district wherein such boiler, steam generator, or pressure vessel is to be used, and other satisfactory proof that the use of the same is safe and efficient, said permit to be valid until the next regular meeting of the Board of Supervising Inspectors who shall act thereon: Provided further, That such boilers, steam generators, or pressure vessels may be constructed with seamless shells or by means of any approved method of welding governed by the rules and regulations prescribed by the Board of Supervising Inspectors. (Aug. 7, 1882; June 13, 1933.)

Boiler Plates.

R. S. 4430 (46 U. S. C. 408). All iron or steel plates, or other material used in the construction of boilers or unfired pressure vessels

for use on vessels subject to inspection shall be tested and inspected in such manner as shall be prescribed by the Board of Supervising Inspectors and approved by the Secretary of Commerce, so as to enable the inspectors to ascertain the tensile strength, homogeneity, toughness, and ability to withstand the effect of repeated heating and cooling; and no plate or other material shall be used in the construction of such boilers or pressure vessels which has not been tested, inspected, and approved under the rules and regulations of the Board of Supervising Inspectors: *Provided*, however, That small unfired pressure vessels having diameters not exceeding thirty inches and subject to a maximum allowable working pressure not exceeding one hundred pounds per square inch shall be exempt from this requirement.

### DETAIL OF INSPECTORS TO MILLS

The Director of the Bureau of Marine Inspection and Navigation may, under the direction of the Secretary of Commerce, detail inspectors to inspect iron or steel plates or other material at the mills where the same are manufactured; and if such plates or material are found in accordance with the rules of the Board of Supervising Inspectors, the inspector shall stamp the same with the initials of his name and the official stamp of the Bureau of Marine Inspection and Navigation, which stamp shall be authorized by the Board of Supervising Inspectors; and material so stamped shall be accepted by the local inspectors of the various districts as being in full compliance with the requirements of this section regarding the test and inspection of such plates and material: *Provided*, That any person, firm, or corporation who affixes any false, forged, fraudulent, spurious, or counterfeit of the stamp herein authorized to be put on by an inspector shall be deemed guilty of a felony and shall be fined not less than \$1,000 nor more than \$5,000 and imprisoned not less than two years nor more than five years. (Jan. 22, 1894; June 13, 1933.)

# STAMPING BOILER PLATES

R. S. 4431 (46 U. S. C. 409). Every plate of iron or steel, made for use in the construction of boilers, unfired pressure vessels, or riveted steam pipe shall be distinctly and permanently stamped by the manufacturer thereof, and, if practicable, in such places that the marks shall be left visible when such plates are assembled, with the name of the manufacturer, and the minimum tensile strength in pounds per square inch, and the inspectors shall keep a record in their office of the stamps upon all plates, material, and boilers which they inspect. (June 13, 1933.)

#### Penalty for Counterfelting

R. S. 4432 (46 U. S. C. 410). Any person, firm, or corporation who counterfeits, or causes to be counterfeited, any of the marks or stamps prescribed for iron or steel plates or other material tested and inspected under this Act, or who designedly stamps, or causes to be stamped falsely, any such plates or material; and every person who stamps or marks, or causes to be stamped or marked, any such

plates or material with the name or trade-mark of another, with the intent to mislead or deceive, shall be fined \$2,000, and may in addition thereto, at the discretion of the court, be imprisoned not exceeding two years. (June 13, 1933.)

### MAXIMUM WORKING PRESSURE

R. S. 4433 (46 U. S. C. 411). The Board of Supervising Inspectors is hereby empowered to prescribe formulas, rules, and regulations for the design, material, and construction of boilers, unfired pressure vessels, and appurtenances thereof, and steam piping for use on vessels subject to the provisions of this Act. The maximum working pressure shall be determined by formulas prescribed by the Board of Supervising Inspectors, and no such boiler, pressure vessel, or appurtenance thereof shall be designed or operated where the factor of safety is less than four: Provided, That the minimum thickness and maximum allowable working pressure of valves, fittings, and other appurtenances shall be determined by formulas prescribed by the Board of Supervising Inspectors. (June 13, 1933.)

### THICKNESS OF BOILER PLATE

R. S. 4434 (46 U. S. C. 412). The maximum allowable thickness of shell plates and the details of material, design, and construction of externally fired boilers shall be determined by action of the Board of Supervising Inspectors. (Feb. 11, 1885; Feb. 28, 1895; Mar. 2, 1909, secs. 1, 2; June 13, 1933.)

Inspection of Crew Quarters.

JUNE 25, 1936, sec. 4 (46 U. S. C. 660a). (a) The local inspectors of the Bureau of Marine Inspection and Navigation shall inspect the crew quarters of every American vessel, at least once in each month, or at such times as such vessel shall enter an American port, and shall satisfy themselves that such quarters are of the size required by law or regulations issued thereunder, are properly ventilated and in a clean and sanitary condition, and are equipped with the proper plumbing and mechanical appliances required by law or regulations issued thereunder, and that such plumbing and mechanical appliances

are in good working order and condition.

(b) Whenever it shall be found that the crew quarters of any such vessel are not of the size required by law or regulations issued thereunder or are not properly ventilated or are not in a clean and sanitary condition or are not equipped with the proper plumbing and mechanical appliances required by law or regulations issued thereunder, or that such plumbing and mechanical appliances are not in good working order and condition, the appropriate board of local inspectors shall withdraw the certificate of inspection of such vessel and refuse to reissue the same until such improper conditions have been corrected; and the master or other licensed officer of such vessel who shall have willfully or negligently permitted such vessel to be in such improper condition shall be subject to a penalty of not more than \$500.

Use of Unapproved Instruments, Machines, or Equipment.

R. S. 4491 (46 U. S. C. 489). No kind of instrument, machine, or equipment for the better security of life, provided for by this Title

[R. S. 4399-4500], shall be used on any steam vessel which shall not first be approved by the Board of Supervising Inspectors, and also by the Secretary of Commerce. (Feb. 14, 1903; Mar. 4, 1913.)

Certificate of Inspection.

R. S. 4421 (46 U. S. C. 399). When the inspection of a steam vessel is completed and the inspectors approve the vessel and her equipment throughout, they shall make and subscribe a certificate, which certificate shall be verified by the oaths of the inspectors signing it, before the chief officer of the customs of the district or any other person competent by law to administer oaths. certificates shall be delivered to the master or owner of the vessel to which it relates, and one copy thereof shall be kept on file in the inspectors' office and one copy shall be delivered to the collector or other chief officer of the customs of the district in which such inspection has been made, who shall keep the same on file in his office. If the inspectors refuse to grant a certificate of approval they shall make a statement in writing and sign the same, giving the reasons for their disapproval. Upon such inspection and approval the inspectors shall also make and subscribe a temporary certificate, which shall set forth substantially the fact of such inspection and approval, and shall deliver the same to the master or owner of the vessel and shall keep a copy thereof on file in their office. The said temporary certificate shall be carried and exposed by vessels in the same manner as is provided in section 4423 [46 U. S. C. 400] for the regular certificate, and the form thereof and the period during which it is to be in force shall be as prescribed by the Board of Supervising Inspectors, or the executive committee thereof, as provided in section 4425 [46 U. S. C. 375]. And such temporary certificate, during such period and prior to the delivery to the master or owner of the regular certificate, shall take the place of and be a substitute for the regular certificate of inspection, as required by this section and by section 4426 [46 U.S. C. 404], and for the purposes of said sections. temporary certificate shall also be subject to revocation in the manner and under the conditions provided in section 4453 [46 U.S. C. 435]. No vessel required to be inspected under the provisions of this Title shall be navigated without having on board an unexpired regular certificate of inspection or such temporary certificate: Provided, however, That any such vessel operated upon a regularly established line from a port of the United States to a port of a foreign country not contiguous to the United States whose certificate of inspection expires at sea or while said vessel is in a foreign port or a port of the Philippine Islands or Hawaii may lawfully complete her voyage without the regular certificate of inspection or the temporary certificate required by this section, and no liability for penalties imposed by this Title for want of such certificate shall be incurred until her voyage shall have been completed: Provided, That said voyage shall be so completed within thirty days after the expiration of said certificate or temporary certificate: Provided further, That no such vessel whose certificate of inspection shall expire within fifteen days of the date of her sailing shall proceed upon her voyage to such port of a foreign country not contiguous to the United States without first having procured a new certificate of inspection or the temporary certificate required by this section. (June 11, 1906; June 25, 1910; Mar. 4, 1915, sec. 1.)

# PLACING OF CERTIFICATE FOR OBSERVATION

R. S. 4423 (46 U. S. C. 400). The original certificate of inspection delivered to the master or owner of a steam vessel shall be placed by such master or owner in a conspicuous place in the vessel where it will be most likely to be observed by passengers and others, and there kept at all times, framed under glass, as evidence of the authority thereby conferred: Provided however, That where it is not practicable to so expose said certificate, it shall be carried in the vessel in such manner as shall be prescribed by the regulations established by the Board of Supervising Inspectors with the approval of the Secretary of Commerce. (Mar. 3, 1905, sec. 3; Mar. 4, 1915, sec. 3.)

Documentation Conditioned Upon Inspection.

R. S. 4498 (46 U. S. C. 496). A register, enrollment, or license shall not be granted, or other papers be issued by any collector or other chief officer of customs to any vessel subject by law to inspection under this Title [R. S. 4399-4500] until all the provisions of this Title applicable to such vessel have been fully complied with and until the copy of the certificate of inspection required by this Title for such vessel has been filed with said collector or other chief officer of customs: Provided, That the license granted to any vessel, if presented to any collector of customs at any time within thirty calendar days prior to the date of expiration shown thereon, may be renewed by the endorsement by the collector of customs for a period of one year from the date of expiration shown on the license, if there be on file in the office of the collector at that time a copy of the certificate of inspection required by Title LII of the Revised Statutes, which is in force on the date renewal is made. (Mar. 3, 1905, sec. 9; Mar. 4, 1915, sec. 5; June 2, 1939.)

Duty of Collectors of Customs and Customs Inspectors; Penalty for Failure.

R. S. 4496 (46 U. S. C. 494). All collectors, or other chief officers of the customs and all inspectors within the several districts, shall enforce the provisions of this Title [R. S. 4399-4500] against all steamers arriving and departing.

R. S. 4497 (46 U. S. C. 495). Every collector, or other chief officer of the customs, or inspector, who negligently, or intentionally omits any duty under the preceding section, shall be liable to removal from office, and to a penalty of \$100 for each offense, to be

sued for in an action of debt.

Penalty for Failure to Comply With Inspection Laws.

R. S. 4499 (46 U. S. C. 497). If any vessel propelled in whole or in part by steam be navigated without complying with the terms of this Title [Regulation of steam vessels, R. S. 4399-4500], the owner shall be liable to the United States in a penalty of \$500 for each offense, one-half for the use of the informer, for which sum the vessel so navigated shall be liable, and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense. Persons or corporations chartering or engaging or contracting for the use of vessels subject to this Title, under such terms and conditions that they have full and exclusive

control of the management and operation of such vessels, shall be subject to the same penalties for violations of the provisions of this Title [R. S. 4399-4500] as are now imposed upon owners of vessels thereunder, and in such cases the owners shall not be liable to such penalties for such violations by such charterers or contractors. (Mar. 3, 1905, sec. 4.)

# Penalty in Cases Not Provided For.

R. S. 4500 (46 U. S. C. 498). The penalty for the violation of any provisions of this Title [R. S. 4399–4500], not otherwise specially provided for, shall be a fine of \$500, recoverable one-half for the use of the informer.

Records and Reports by Local Inspectors.

R. S. 4457 (46 U. S. C. 414). The local inspectors shall keep a record of certificates of inspection of vessels, their boilers, engines, and machinery, and of all their acts in their examination and inspection of steamers, whether of approval or disapproval; and when a certificate of approval is recorded, the original shall be delivered to the collector or other chief officer of the customs of the district. They shall also keep a like record of certificates authorizing gunpowder to be carried as freight by any steamer carrying passengers, and of all licenses granted to masters, mates, pilots, and engineers, and of all refusals of the same, of all suspensions and revocations of license, of all refusals, suspensions, or revocations of which they shall receive notices from other districts; and shall report to the supervising inspector of their respective districts, in writing, their decisions in cases of refusal of licenses, or of the suspension or revocation thereof, and all testimony received by them in such proceedings. They shall also report promptly to such supervising inspector all violations of the steamboat laws that come to their knowledge. They shall also keep an accurate account of every steamer boarded by them during the year; and of all their official acts and doings, which, in the form of a report, they shall communicate to the supervising inspector of the district, at such times as the board of supervising inspectors, by their established rules, shall direct.

# Reinspections.

R. S. 4453 (46 U. S. C. 435). In addition to the annual inspection, the local inspectors shall examine, at proper times, steamers arriving and departing to and from their respective ports, so often as to enable them to detect any neglect to comply with the requirements of law, and also any defects or imperfections becoming apparent after the inspection aforesaid, and tending to render the navigation of the vessels unsafe; and if they shall discover any omission to comply with the law, or that repairs have become necessary to make the vessel safe, the inspectors shall at once notify the master, in writing, stating in the notice what is required; and if the master deems the requirements unreasonable or unnecessary, he may apply for a reexamination of the case to the supervising inspector, as provided in the preceding section. All inspections and orders for repairs shall be promptly made by the inspectors, and, when it can be safely done in their judgment, they shall permit repairs to be made

where those interested can most conveniently do them. And whenever any local inspector or supervising inspector ascertains to his satisfaction that any vessel, subject to the provisions of this Title, has been or is being navigated or operated without complying with the terms of the vessel's certificate of inspection regarding the number and class of licensed officers and crew, or without complying with the provisions of law and her said certificate as to the number or kind of life-saving or fire-fighting apparatus, or without maintaining in good and efficient condition her lifeboats, fire pumps, fire hose, and life preservers, or that for any other reason said vessel cannot be operated with safety to life, the said local or supervising inspector shall order the owner or master of said vessel to correct such unlawful conditions, and may require that the vessel at once cease navigating and be submitted to reinspection; and in case the said orders of such inspector shall not at once be complied with, the said inspector shall revoke the said vessel's certificate of inspection and shall immediately give to the owner, master, or agent of said vessel notice, in writing, of such revocation; and no new certificate of inspection shall be again issued to her until the provisions of this Title [R. S. 4399-4500] have been complied with. Any vessel subject to the provisions of this Title [R. S. 4399-4500] operating or navigating or attempting to operate or navigate after the revocation of her certificate of inspection and before the issuance of a new certificate, shall, upon application by the inspector to any district court of the United States having jurisdiction, and by proper order or action of said court in the premises, be seized summarily by way of libel and held without privilege of release by bail or bond until a proper certificate of inspection shall have been issued to said vessel: Provided, That the master or owner of any vessel whose certificate shall have been so revoked may within thirty days after receiving notice of such revocation appeal to the Secretary of Commerce for a reexamination of the case, and upon such appeal the said Secretary shall have power to revise, modify, or set aside such action of the local or supervising inspector, and direct the issuance to such vessel of her original certificate or of a new certificate of inspection; and in case the said Secretary shall so direct the issuance of a certificate, all judicial process against said vessel based on this section shall thereupon be of no further force or effect, and the vessel shall thereupon be released. (Mar. 3, 1905, sec. 2; Mar. 4, 1913, sec. 1.)

Penalty for Noncompliance With Inspection Requirements.

R. S. 4454 (46 U. S. C. 436). If any master or owner of any steamer shall refuse or neglect to comply with the requirements of the local inspectors, made in pursuance of the preceding section, and shall, contrary thereto and while the same remains unreversed by the supervising inspector, employ the vessel by navigating her, the master and owner shall be liable to a penalty of \$500 for each offense, one-half for the use of the informer; for which sum the vessel itself shall be liable, and may be seized and proceeded against by libel in any district court having jurisdiction; and the master and owner, and the vessel itself, shall, in addition thereto, be liable for any damage to passengers and their baggage, which shall occur from any defects as stated in the notice prescribed by the preceding section.

Manning of Inspected Vessels.

R. S. 4463 (46 U. S. C. 222). No vessel of the United States subject to the provisions of this title or to the inspection laws of the United States shall be navigated unless she shall have in her service and on board such complement of licensed officers and crew, including certificated lifeboat men, separately stated, as may, in the judgment of the local inspectors who inspect the vessel, be necessary for her safe navigation. The local inspectors shall make in the certificate of inspection of the vessel an entry of such complement of officers and crew, including certificated lifeboat men, separately stated, which may be changed from time to time by indorsement on such certificate by local inspectors by reason of change of conditions or employment. Such entry or indorsement shall be subject to a right of appeal, under regulations to be made by the Secretary of Commerce, to the supervising inspector and from him to the Director of the Bureau of Marine Inspection and Navigation who shall have the power to revise, set aside, or affirm the said determination of the local

inspectors.

If any such vessel is deprived of the services of any number of the crew including certificated lifeboat men, separately stated, without the consent, fault, or collusion of the master, owner, or any person interested in the vessel, the vessel may proceed on her voyage if, in the judgment of the master, she is sufficiently manned for such vovage: Provided, That the master shall ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same grade or of a higher rating with those whose places they fill. If the master shall fail to explain in writing the cause of such deficiency in the crew including certificated lifeboat men, separately stated, to the local inspectors within twelve hours of the time of the arrival of the vessel at her destination, he shall be liable to a penalty of \$50. If the vessel shall not be manned as provided in this Act, the owner shall be liable to a penalty of \$100, or in case of an insufficient number of licensed officers to a penalty of \$500. (Apr. 2, 1908, sec. 1; Mar. 3, 1913, sec. 1; Mar. 4, 1915, sec. 14; May 11, 1918, sec. 1; June 30, 1932, sec. 501; May 27, 1936, sec. 1.)

# Minimum Number of Officers.

Mar. 3, 1913, sec. 2 (46 U. S. C. 223). The board of local inspectors shall make an entry in the certificate of inspection of every ocean and coastwise seagoing merchant vessel of the United States propelled by machinery, and every ocean-going vessel carrying passengers, the minimum number of licensed deck officers required for her safe navigation according to the following scale:

No such vessel shall be navigated unless she shall have on board

and in her service one duly licensed master.

Every such vessel of one thousand gross tons and over, propelled by machinery, shall have in her service and on board three licensed mates, who shall stand in three watches while such vessel is being navigated, unless such vessel is engaged in a run of less than four hundred miles from the port of departure to the port of final destination, then such vessel shall have two licensed mates; and every vessel of two hundred gross tons and less than one thousand gross

tons, propelled by machinery, shall have two licensed mates.

Every such vessel of one hundred gross tons and under two hundred gross tons, propelled by machinery, shall have on board and in her service one licensed mate, but if such vessel is engaged in a trade in which the time required to make the passage from the port of departure to the port of destination exceeds twenty-four hours. then such vessel shall have two licensed mates.

Nothing in this section shall be so construed as to prevent local inspectors from increasing the number of licensed officers on any vessel subject to the inspection laws of the United States, if, in their judgment, such vessel is not sufficiently manned for her safe navigation: Provided, That this section shall not apply to fishing or whaling vesels, yachts, or motor boats as defined in the Act of June

9, 1910, or to wrecking vessels. (May 11, 1918, sec. 2.)
MAR. 3, 1913, sec. 3 (46 U. S. C. 235). It shall be unlawful for the master, owner, agent, or other person having authority to permit an officer of any vessel to take charge of the deck watch of the vessel upon leaving or immediately after leaving port, unless such officer shall have had at least six hours off duty within the twelve hours immediately preceding the time of sailing, and no licensed officer on any ocean or coastwise vessel shall be required to do duty to exceed nine hours of any twenty-four while in port, including the date of arrival, or more than twelve hours of any twenty-four at sea, except in a case of emergency when life or property is endangered. Any violation of this section shall subject the person or persons guilty thereof to a penalty of \$100. (May 11, 1918, sec. 3.)

# Water-Tight Bulkheads.

R. S. 4490 (46 U. S. C. 482). Every seagoing steamer, and every steamer navigating the great northern or northwestern lakes, carrying passengers, the building of which shall be completed after Aug. 28, 1871, shall have not less than three water-tight cross bulkheads, such bulkheads to reach to the main deck in single-decked vessels, otherwise to the deck next below the main deck; to be made of iron plates, sustained upon suitable framework; and to be properly secured to the hull of the vessel. The position of such bulkheads and the strength of material of which the same shall be constructed shall be determined by the general rules of the board of supervising in-

(Feb. 27, 1877.)

July 9, 1886, sec. 3 (46 U.S. C. 483). Steam vessels of one hundred tons burden or under, engaged in the coastwise bays and harbors of the United States, may be licensed by the United States local inspectors of steam vessels to carry passengers or excursions on the ocean or upon the Great Lakes of the North or Northwest, not exceeding fifteen miles from the mouth of such bays or harbors, without being required to have the three water-tight cross bulkheads provided by section 4490 [46 U.S.C. 482] of the Revised Statutes for other passenger steamers: Provided, That in the judgment of the local inspector such steamers shall be safe and suitable for such navigation without danger to human life, and that they shall have one water-tight collision bulkhead not less than five feet abaft the stem of said steamer.

Life-Saving Appliances.

R. S. 4488 (46 U. S. C. 481). Every steamer navigating the ocean or any lake, bay, or sound of the United States, shall be provided with such numbers of lifeboats, floats, rafts, life preservers, line-carrying projectiles, and the means of propelling them, and drags, as will best secure the safety of all persons on board such vessel in case of disaster; and every sea-going vessel carrying passengers, and every such vessel navigating any of the northern or northwestern lakes, shall have the lifeboats required by law, provided with suitable boat-disengaging apparatus, so arranged as to allow such boats to be safely launched. And the board of supervising inspectors shall fix and determine, by their rules and regulations, the character and arrangement of boat-disengaging apparatus and the character of lifeboats, floats, rafts, life preservers, line-carrying projectiles, and the means of propelling them, and drags that shall be used on such vessels, and also the character and capacity of pumps or other appliances for freeing the steamer from water in case of heavy leakage, the capacity of such pumps or appliances being suited to the navigation in which the steamer is employed. Every vessel subject to the provisions of this Title [R. S. 4399-4500; 46 U. S. C. 14, 15] shall, while in operation, carry one life preserver for each and every person allowed to be carried on said vessel by the certificate of inspection, including each member of the crew: Provided, however, That upon such vessels and under such conditions as are specified in section 4482 [46 U. S. C. 475] floats may be substituted for life preservers. Any person who willfully and knowingly manufactures or sells, or offers for sale, or has in his possession with intent to sell. life preservers containing metal or other nonbuoyant material, for the purpose of increasing the weight thereof, or more metal or other such material than is reasonably necessary for the construction thereof, or who shall so manufacture, sell, offer for sale, or possess with intent to sell any other articles commonly used for preservation of life or the prevention of fire on board vessels subject to the provisions of this Title, which articles shall be so defective as to be inefficient to accomplish the purposes for which they are respectively intended and designed, shall, upon conviction, be fined not more than \$2,000, and may, in addition thereto, in the discretion of the court, be imprisoned not exceeding five years.

The powers bestowed by this section upon the Board of Supervising Inspectors in respect of lifeboats, floats, rafts, life preservers, and other life-saving appliances and equipment, and the further requirements herein as to davits, embarkation of passengers in lifeboats and rafts, and the mauning of lifeboats and rafts, and the musters and drills of the crews, on steamers navigating the ocean, or any lake, bay, or sound of the United States, on and after July 1, 1915, shall be subject to the provisions, limitations, and minimum requirements of the regulations herein set forth, and all such vessels shall thereafter be required to comply in all respects therewith: *Provided*, That foreign vessels leaving ports of the United States shall comply with the rules herein prescribed as to life-saving appli-

ances, their equipment, and the manning of same.

#### REGULATIONS

### LIFE-SAVING APPLIANCES

### STANDARD TYPES OF BOATS

The standard types of boats classified as follows:

Class	Section	Туре		
(Entirely rigid sides)	$\begin{cases} A, \\ B, \end{cases}$	Open. Internal buoyancy only. Open. Internal and external buoyancy. Pontoon. Well deck; fixed water-tight bulwarks.		
II (Partially collapsible sides)	$\begin{cases} A. \\ B. \\ C. \end{cases}$	Open. Upper part of sides collapsible.  Pontoon. Well deck; collapsible water-tight bulwarks.  Pontoon. Flush deck; collapsible water-tight bulwarks.		

#### STRENGTH OF BOATS

Each boat must be of sufficient strength to enable it to be safely lowered into the water when loaded with its full complement of persons and equipment.

### ALTERNATIVE TYPES OF BOATS AND RAFTS

Any type of boat may be accepted as equivalent to a boat of one of the prescribed classes and any type of raft as equivalent to an approved pontoon raft, if the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, is satisfied by suitable trials that it is as effective as the standard types of the class in question, or as the approved type of pontoon raft, as the case may be.

Motor boats may be accepted if they comply with the requirements laid down for boats of the first class, but only to a limited number, which number shall be determined by the Board of Supervising Inspectors, with the approval of the Secretary of Commerce.

No boat may be approved the buoyancy of which depends upon the previous adjustment of one of the principal parts of the hull or which has not a cubic capacity of at least one hundred and twentyfive cubic feet.

### BOATS OF THE FIRST CLASS

The standard types of boats of the first class must satisfy the following conditions:

#### 1A.—OPEN BOATS WITH INTERNAL BUOYANCY ONLY

The buoyancy of a wooden boat of this type shall be provided by water-tight air cases, the total volume of which shall be at least equal to one-tenth of the cubic capacity of the boat.

The buoyancy of a metal boat of this type shall not be less than that required above for a wooden boat of the same cubic capacity, the volume of water-tight air cases being increased accordingly.

#### 1B-OPEN BOATS WITH INTERNAL AND EXTERNAL BUOYANCY

The internal buoyancy of a wooden boat of this type shall be provided by water-tight air cases, the total volume of which is at least

equal to 7½ per centum of the cubic capacity of the boat.

The external buoyancy may be of cork or any other equally efficient material, but such buoyancy shall not be secured by the use of rushes, cork shavings, loose granulated cork, or any other loose granulated substance, or by any means dependent upon inflation by air.

If the broyancy is of cork, its volume, for a wooden boat, shall not be less than thirty-three thousandths of the cubic capacity of the boat; if of any material other than cork, its volume and distribution shall be such that the buoyancy and stability of the boat are not less than that of a similar boat provided with buoyancy of cork.

The buoyancy of a metal boat shall be not less than that required above for a wooden boat of the same cubic capacity, the volume of the air cases and external buoyancy being increased accordingly.

1C.—PONTOON BOATS, IN WHICH PERSONS CANNOT BE ACCOMMODATED BELOW THE DECK, HAVING A WELL DECK AND FIXED WATER-TIGHT BULWARKS

The area of the well deck of a boat of this type shall be at least 30 per centum of the total deck area. The height of the well deck above the water line at all points shall be at least equal to one-half per centum of the length of the boat, this height being increased to 1½ per centum of the length of the boat at the ends of the well.

The freeboard of a boat of this type shall be such as to provide for

a reserve buoyancy of at least 35 per centum.

#### BOATS OF THE SECOND CLASS

The standard types of boats of the second class must satisfy the following conditions:

#### 2A.—OPEN BOATS HAVING THE UPPER PART OF THE SIDES COLLAPSIBLE

A boat of this type shall be fitted both with water-tight air cases and with external buoyancy, the volume of which, for each person which the boat is able to accommodate, shall be at least equal to the following amounts: Air cases, one and five-tenths cubic feet; external buoyancy (if of cork), two-tenths cubic foot.

The minimum freeboard of boats of this type is fixed in relation to their length; it is measured vertically to the top of the solid hull at the side amidships, from the water level when the boat is loaded.

The freeboard in fresh water shall not be less than the following amounts:

Length of	Minimum		
the boat	freeboard		
Feet 26 28 30	Inches 8 9 10		

The freeboard of boats of intermediate lengths is to be found by interpolation.

2B,-PONTOON BOATS HAVING A WELL DECK AND COLLAPSIBLE BULWARKS

All the conditions laid down for boats of type 1C are to be applied to boats of this type, which differ from those of type 1C only in regard to the bulwarks.

2C.—PONTOON BOATS, IN WHICH THE PERSONS CANNOT BE ACCOMMODATED BELOW DECK, HAVING A FLUSH DECK AND COLLAPSIBLE BULWARKS

The minimum freeboard of boats of this type is independent of their lengths and depends only upon their depth. The depth of the boat is to be measured vertically from the underside of the garboard strake to the top of the deck on the side amidships, and the freeboard is to be measured from the top of the deck at the side amidships to the water level when the boat is loaded.

The freeboard in fresh water shall not be less than the following amounts, which are applicable without correction to boats having

a mean sheer equal to 3 per centum of their length:

Depth of	Minimum		
boat	freeboard		
Inches 12 18 20 30	Inches 234 334 514 612		

For intermediate depths the freeboard is obtained by interpolation. If the sheer is less than the standard sheer defined above, the minimum freeboard is obtained by adding to the figures in the table one-seventh of the difference between the standard sheer and the actual mean sheer measured at the stem and sternpost. No deduction is to be made from the freeboard on account of the sheer being greater than the standard sheer or on account of the camber of the deck.

#### MOTOR BOATS

When motor boats are accepted, the volume of internal buoyancy and, when fitted, the external buoyancy, must be fixed, having regard to the difference between the weight of the motor and its accessories and the weight of the additional persons which the boat could accommodate if the motor and its accessories were removed.

#### ARRANGEMENTS FOR CLEARING PONTOON LIFEBOATS OF WATER

All pontoon lifeboats shall be fitted with efficient means for quickly clearing the deck of water. The orifices for this purpose shall be such that the water cannot enter the boats through them when they are intermittingly submerged. The number and size of the orifices shall be determined for each type of boat by a special test.

For the purpose of this test the pontoon boat shall be loaded with a weight of iron or bags of sand, equal to that of its complement of

persons and equipment.

In the case of a boat twenty-eight feet in length two tons of water shall be cleared from the boat in a time not exceeding the following: Type 1C, sixty seconds; type 2B, sixty seconds; type 2C, twenty seconds.

In the case of a boat having a length greater or less than twentyeight feet the weight of water to be cleared in the same time shall be, for each type, directly proportional to the length of the boat.

#### CONSTRUCTION OF BOATS

Open lifeboats of the first class (types 1A and 1B) must have a

mean sheer at least equal to 4 per centum of their length.

The air cases of open boats of the first class shall be placed along the sides of the boat; they may also be placed at the ends of the

boat, but not in the bottom of the boat.

Pontoon lifeboats may be built of wood or metal. If constructed of wood, they shall have the bottom and deck made of two thicknesses with textile material between; if of metal, they shall be divided into water-tight compartments with means of access to each compartment.

All boats shall be fitted for the use of a steering oar.

#### PONTOON RAFTS

No type of pontoon raft may be approved unless it satisfies the

following conditions:

First. It should be reversible and fitted with bulwarks of wood, canvas, or other suitable material on both sides. These bulwarks may be collapsible.

Second. It should be of such size, strength, and weight that it can be handled without mechanical appliances, and, if necessary, be

thrown from the vessel's deck.

Third. It should have not less than three cubic feet of air cases or equivalent buoyancy for each person whom it can accommodate. Fourth. It should have a deck area of not less than four square

Fourth. It should have a deck area of not less than four square feet for each person whom it can accommodate and the platform should not be less than six inches above the water level when the raft is loaded.

Fifth. The air cases or equivalent buoyancy should be placed as

near as possible to the sides of the raft.

### CAPACITY OF BOATS AND PONTOON RAFTS

First. The number of persons which a boat of one of the standard types or a pontoon raft can accommodate is equal to the greatest whole number obtained by dividing the capacity in cubic feet, or the surface in square feet, of the boat or of the raft by the standard unit of capacity, or unit of surface (according to circumstances), defined below for each type.

Second. The cubic capacity in feet of a boat in which the number of persons is determined by the surface shall be assumed to be ten times the number of persons which it is authorized to carry.

Third. The standard units of capacity and surface are as follows: Units of capacity, open boats, type 1A, ten cubic feet; open boats,

type 1B, nine cubic feet.

Unit of surface, open boats, type 2A, three and one-half square feet; pontoon boats, type 2C, three and one-half square feet; pontoon boats, type 1C, three and one-fourth square feet; pontoon boats,

type 2B, three and one-fourth square feet.

Fourth. The Board of Supervising Inspectors, with the approval of the Secretary of Commerce, may accept, in place of three and one-fourth, a smaller divisor, if it is satisfied after trial that the number of persons for whom there is seating accommodation in the pontoon boat in question is greater than the number obtained by applying the above divisor, provided always that the divisor adopted in place of three and one-fourth may never be less than three.

#### CAPACITY LIMITS

Pontoon boats and pontoon rafts shall never be marked with a number of persons greater than that obtained in the manner specified in this section.

This number shall be reduced—

First. When it is greater than the number of persons for which there is proper seating accommodation, the latter number being determined in such a way that the persons when seated do not inter-

fere in any way with the use of the oars.

Second. When in the case of boats other than those of the first two sections of the first class, the freeboard, when the boat is fully loaded, is less than the freeboard laid down for each type respectively. In such circumstances the number shall be reduced until the freeboard, when the boat is fully loaded, is at least equal to the standard freeboard laid down above.

In boats of types 1C and 2B the raised part of the deck at the

sides may be regarded as affording seating accommodation.

#### EQUIVALENTS FOR AND WEIGHT OF THE PERSONS

In test for determining the number of persons which a boat or pontoon raft can accommodate each person shall be assumed to be an adult person wearing a life jacket.

In verifications of freeboard the pontoon boats shall be loaded with a weight of at least one hundred and sixty-five pounds for each adult person that the pontoon boat is authorized to carry.

In all cases two children under twelve years of age shall be reckoned as one person.

#### CUBIC CAPACITY OF OPEN BOATS OF THE FIRST CLASS

First. The cubic capacity of an open boat of type 1A or 1B shall be determined by Stirling's (Simpson's) rule or by any other method, approved by the Board of Supervising Inspectors, giving the same degree of accuracy. The capacity of a square-sterned boat shall be calculated as if the boat had a pointed stern.

Second. For example, the capacity in cubic feet of a boat, calculated by the aid of Stirling's rule, may be considered as given by the following formula:

Capacity =  $\frac{1}{12}$  (4A+2B+4C),

1 being the length of the boat in meters (or feet) from the inside of the planking or plating at the stem to the corresponding point at the stern post; in the case of a boat with a square stern, the length is measured to the inside of the transom.

A, B, C denote, respectively, the areas of the cross sections at the quarter length forward, amidships, and the quarter length aft, which correspond to the three points obtained by dividing 1 into four equal parts. (The areas corresponding to the two ends of the boat are considered negligible.)

The areas A, B, C shall be deemed to be given in square feet by the successive application of the following formula to each of the three

cross sections:

Area = 
$$\frac{h}{12}$$
 (a+4b+2c+4d+e),

h being the depth measured in meters (or in feet) inside the planking or plating from the keel to the level of the gunwale, or, in certain cases, to a lower level, as determined hereafter.

a, b, c, d, e denote the horizontal breadths of the boat measured in feet at the upper and lower points of the depth and at the three points obtained by dividing h into four equal parts (a and e being the breadths at the extreme points, and c at the middle point, of h).

Third. If the sheer of the gunwale, measured at the two points situated at a quarter of the length of the boat from the ends, exceeds one per centum of the length of the boat, the depth employed in calculating the area of the cross sections A or C shall be deemed to be the depth amidships plus one percentum of the length of the boat.

Fourth. If the depth of the boat amidships exceeds 45 per centum of the breadth, the depth employed in calculating the area of the midship cross section B shall be deemed to be equal to 45 per centum of the breadth, the depth employed in calculating the area of the quarter-length sections A and C is obtained by increasing this last figure by an amount equal to 1 per centum of the length of the boat, provided that in no case shall the depths employed in the calculation exceed the actual depth at these points.

Fifth. If the depth of the boat is greater than four feet, the number of persons given by the application of this rule shall be reduced in proportion to the ratio of four feet to the actual depth, until the boat has been satisfactorily tested afloat with that number of persons

on board all wearing life jackets.
Sixth. The Board of Supervising Inspectors shall impose, by suitable formulæ, a limit for the number of persons allowed in boats

with very fine ends and in boats very full in form.

Seventh. The Board of Supervising Inspectors may by regulation assign to a boat a capacity equal to the product of the length, the breadth, and the depth multiplied by six-tenths if it is evident that this formula does not give a greater capacity than that obtained by the above method. The dimensions shall then be measured in the

following manner:

Length. From the intersection of the outside of the planking with the stem to the corresponding point at the sternpost or, in the case of a square-sterned boat, to the afterside of the transom.

Breadth. From the outside of the planking at the point where the

breadth of the boat is greatest.

Depth. Amidships inside the planking from the keel to the level of the gunwale, but the depth used in calculating the cubic capacity may not in any case exceed 45 per centum of the breadth.

In all cases the vessel owner has the right to require that the cubic capacity of the boat shall be determined by exact measurement.

Eighth. The cubic capacity of a motor boat is obtained from the gross capacity by deducting a volume equal to that occupied by the motor and its accessories.

### DECK AREA OF PONTOON BOATS AND OPEN BOATS OF THE SECOND CLASS

First. The area of the deck of a pontoon boat of type 1C, 2B, or 2C shall be determined by the method indicated below or by any other method giving the same degree of accuracy. The same rule is to be applied in determining the area within the fixed bulwarks of a boat of type 2A.

Second. For example, the surface in square feet of a boat may be

deemed to be given by the following formula:

Area = 
$$\frac{1}{12}$$
 (2a+1.5b+4c+1.5d+2e),

l being the length in feet from the intersection of the outside of the planking with the stem to the corresponding point at the sternpost.

a, b, c, d, e denote the horizontal breadths in feet outside the planking at the points obtained by dividing 1 into four equal parts and subdividing the foremost and aftermost parts into two equal parts (a and e being the breadths at the extreme subdivisions, c at the middle point of the length, and b and d at the intermediate points).

#### MARKING OF BOATS AND PONTOON RAFTS

The dimensions of the boat and the number of persons which it is authorized to carry shall be marked on it in clear, permanent characters according to regulations by the Board of Supervising Inspectors, approved by the Secretary of Commerce. These marks shall be specifically approved by the officers appointed to inspect the ship.

Pontoon rafts shall be marked with the number of persons in the

same manner.

### EQUIPMENT OF BOATS AND PONTOON RAFTS

First. The normal equipment of every boat shall consist of—
(a) A single banked complement of oars and two spare oars; one

set and a half of thole pins or crutches; a boathook.

(b) Two plugs for each plug hole (plugs are not required when

proper automatic valves are fitted); a bailer and a galvanized-iron bucket.

(c) A tiller or yoke and yoke lines.

(d) Two hatchets.

(e) A lamp filled with oil and trimmed.

(f) A mast or masts with one good sail, at least, and proper gear for each. (This does not apply to motor lifeboats or lifeboats on the Great lakes or other inland waters.)

(g) A suitable compass.

Pontoon lifeboats will have no plug hole, but shall be provided

with at least two bilge pumps.

In the case of a steamer which carries passengers in the North Atlantic, all the boats need not be equipped with masts, sails, and compasses, if the ship is provided with a radiotelegraph installation.

Second. The normal equipment of every approved pontoon raft

shall consist of—

(a) Four oars.(b) Five rowlocks.

(c) A self-igniting life-buoy light.

Third. In addition, every boat and every pontoon raft shall be equipped with—

(a) A life line becketed around the outside.

(b) A sea anchor.(c) A painter.

- (d) A vessel containing one gallon of vegetable or animal oil. The vessel shall be so constructed that the oil can be easily distributed on the water and so arranged that it can be attached to the sea anchor.
- (e) A water-tight receptacle containing two pounds avoirdupois of provisions for each person, except on vessels navigating fresh water.

(f) A water-tight receptacle containing one quart for each person, except on vessels navigating fresh water.

(g) A number of self-igniting "red lights" and a water-tight

box of matches.

Fourth. All loose equipment must be securely attached to the boat or pontoon raft to which it belongs.

#### STOWAGE OF BOATS-NUMBER OF DAVITS

The minimum number of sets of davits is fixed in relation to the length of the vessel; provided that a number of sets of davits greater than the number of boats necessary for the accommodation of all the persons on board may not be required.

#### HANDLING OF THE BOATS AND RAFTS

All the boats and rafts must be stowed in such a way that they can be launched in the shortest possible time and that, even under unfavorable conditions of list and trim from the point of view of the handling of the boats and rafts, it may be possible to embark in them as large a number of persons as possible.

The arrangements must be such that it may be possible to launch on either side of the vessel as large a number of boats and rafts as

possible.

### STRENGTH AND OPERATION OF THE DAVITS

The davits shall be of such strength that the boats can be lowered with their full complement of persons and equipment, the vessel being assumed to have a list of fifteen degrees.

The davits must be fitted with a gear of sufficient power to insure that the boat can be turned out against the maximum list under which the lowering of the boats is possible on the vessel in question.

### OTHER APPLIANCES EQUIVALENT TO DAVITS

Any appliance may be accepted in lieu of davits or sets of davits if the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, is satisfied after proper trials that the appliance in question is as effective as davits for placing the boats in the water.

Each set of davits shall have a boat of the first class attached to it. provided that the number of open boats of the first class attached to davits shall not be less than the minimum number fixed by the table

which follows [p. 71].

If it is neither practicable nor reasonable to place on a vessel the minimum number of sets of davits required by the rules, the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, may authorize a smaller number of sets of davits to be fitted, provided always that this number shall never be less than the minimum number of open boats of the first class required by the rules.

If a large proportion of the persons on board are accommodated in boats whose length is greater than fifty feet, a further reduction in the number of sets of davits may be allowed exceptionally, if the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, is satisfied that the arrangements are in all respects

satisfactory.

In all cases in which a reduction in the minimum number of sets of davits or other equivalent appliances required by the rules is allowed, the owner of the vessel in question shall be required to prove, by a test made in the presence of an officer designated by the Director of the Bureau of Marine Inspection and Navigation, that all the boats can be efficiently launched in a minimum time.

The conditions of this test shall be as follows:

First. The vessel is to be upright and in smooth water.

Second. The time is the time required from the beginning of the removal of the boat covers, or any other operation necessary to prepare the boats for lowering, until the last boat or pontoon raft is afloat.

Third. The number of men employed in the whole operation must not exceed the total number of boat hands that will be carried on the vessel under normal service conditions.

Fourth. Each boat when being lowered must have on board at

least two men and its full equipment as required by the rules.

The time allowed for putting all the boats into the water shall be fixed by the Board of Supervising Inspectors, with the approval of the Secretary of Commerce.

#### MINIMUM NUMBER OF DAVITS AND OF OPEN BOATS OF THE FIRST CLASS— MINIMUM BOAT CAPACITY

The following table fixes, according to the length of the vessel—

(A) The minimum number of sets of davits to be provided, to each of which must be attached a boat of the first class in accordance with this section.

(B) The minimum total number of open boats of the first class, which must be attached to davits in accordance with this section.

(C) The minimum boat capacity required, including the boats attached to davits and the additional boats in accordance with this section.

	(A)	(B)	(C)
Registered length of the ship (feet)	Minimum number of sets of davits	Minimum number of open boats of the first class	Minimum capacity of lifeboats
100 and less than 120	2 2 2 3 3	2 2 2 3 3	Cubic feet 980 1, 220 1, 550 1, 880 2, 390
190 and less than 205	4	4	2,740
205 and less than 220	4	4	3,330
220 and less than 230	5	4	3,900
230 and less than 245	5	4	4,560
245 and less than 255	6	5	5,100
255 and less than 270. 270 and less than 285. 285 and less than 300. 300 and less than 315. 315 and less than 330.	6 7 7 8 8	5 5 5 6	5, 640 6, 190 6, 930 7, 550 8, 290
330 and less than 350.	9	7	9, 000
350 and less than 370.	9	7	9, 630
370 and less than 390.	10	7	10, 650
390 and less than 410.	10	7	11, 700
410 and less than 435.	12	9	13, 060
435 and less than 460.	12	9	14, 430
460 and less than 490.	14	10	15, 920
490 and less than 520.	14	10	17, 310
520 and less than 550.	16	12	18, 720
550 and less than 580.	16	12	20, 350
580 and less than 610	18	13	21, 900
	18	13	23, 700
	20	14	25, 350
	20	14	27, 050
	22	15	28, 560
730 and less than 760. 760 and less than 790. 790 and less than 820. 820 and less than 855. 855 and less than 890.	22	15	30, 180
	24	17	32, 100
	24	17	34, 350
	26	18	36, 450
	26	18	38, 750
890 and less than 925.	28	19	41, 000
925 and less than 960.	28	19	43, 880
960 and less than 995.	30	20	46, 350
995 and less than 1,030.	30	20	48, 750

When the length of the vessel exceeds one thousand and thirty feet, the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, shall determine the minimum number of sets of davits and of open boats of the first class for that vessel.

### EMBARKATION OF THE PASSENGERS IN THE LIFEBOATS AND RAFTS

Suitable arrangements shall be made for embarking the passengers in the boats, in accord with regulations by the Board of Supervising Inspectors, with the approval of the Secretary of Commerce.

In vessels which carry rafts there shall be a number of rope or wooden ladders always available for use in embarking the persons

onto the rafts.

The number and arrangement of the boats, and (where they are allowed) of the pontoon rafts, on a vessel depends upon the total number of persons which the vessel is intended to carry: *Provided*, That there shall not be required on any voyage a total capacity in boats, and (where they are allowed) pontoon rafts, greater than that necessary to accommodate all the persons on board.

At no moment of its voyage shall any passenger steam vessel of the United States on ocean routes more than twenty nautical miles offshore have on board a total number of persons greater than that for whom accommodation is provided in the lifeboats and pontoon life

rafts on board.

If the lifeboats attached to davits do not provide sufficient accommodation for all persons on board, additional lifeboats of one of the standard types shall be provided. This addition shall bring the total capacity of the boats on the vessel at least up to the greater of the two following amounts:

(a) The minimum capacity required by these regulations;

(b) A capacity sufficient to accommodate 75 per centum of the

persons on board.

The remainder of the accommodation required shall be provided, under regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce, either in boats of class one or class

two, or in pontoon rafts of an approved type.

At no moment of its voyage shall any passenger steam vessel of the United States on ocean routes less than twenty nautical miles offshore have on board a total number of persons greater than that for whom accommodation is provided in the lifeboats and pontoon rafts on board. The accommodation provided in lifeboats shall in every case be sufficient to accommodate at least 75 per centum of the persons The number and type of such lifeboats and life rafts shall be determined by regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce: Provided, That during the interval from May 15 to September 15, inclusive, any passenger steam vessel of the United States, on ocean routes less than twenty nautical miles offshore, shall be required to carry accommodation for not less than 70 per centum of the total number of persons on board in lifeboats and pontoon life rafts, of which accommodation not less than 50 per centum shall be in lifeboats and 50 per centum may be in collapsible boats or rafts, under regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce.

At no moment of its voyage may any ocean-cargo steam vessel of the United States have on board a total number of persons greater than that for whom accommodation is provided in the lifeboats on board. The number and types of such boats shall be determined by regulations of the Board of Supervising Inspectors, approved by the

Secretary of Commerce.

At no moment of its voyage may any passenger steam vessel of the United States on the Great Lakes, on routes more than three miles offshore, except over waters whose depth is not sufficient to submerge all the decks of the vessel, have on board a total number of persons, including passengers and crew, greater than that for whom accommodation is provided in the lifeboats and pontoon life rafts on board. The accommodation provided in lifeboats shall in every case be sufficient to accommodate at least 75 per centum of the persons on The number and types of such lifeboats and life rafts shall be determined by regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce: Provided, That during the interval from May 15 to September 15, inclusive, any such steamer shall be required to carry accommodation for not less than 50 per centum of persons on board in lifeboats and pontoon life rafts, of which accommodation not less than two-fifths shall be in lifeboats and three-fifths may be in collapsible boats or rafts, under regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce: Provided further, That all passenger steam vessels of the United States, the keels of which are laid after the 1st of July, 1915, for service on ocean routes, or for service from September 15 to May 15 on the Great Lakes on routes more than three miles offshore, shall be built to carry, and shall carry, enough lifeboats and life rafts to accommodate all persons on board, including passengers and crew: And provided further, That not more than 25 per centum of such equipment may be in pontoon life rafts or collapsible lifeboats.

At no moment of its voyage may any cargo steam vessel of the United States on the Great Lakes have on board a total number of persons greater than that for whom accommodation is provided in the lifeboats on board. The number and types of such boats shall be determined by regulations of the Board of Supervising Inspectors,

approved by the Secretary of Commerce.

The number, types, and capacity of lifeboats and life rafts, together with the proportion of such accommodation to the number of persons on board which shall be carried on steam vessels on the Great Lakes, on routes three miles or less offshore or over waters whose depth is not sufficient to submerge all the decks of the vessel, and on all other lakes, and on rivers, bays, and sounds, shall be determined by regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce.

All regulations by the Board of Supervising Inspectors, approved by the Secretary of Commerce, authorized by this Act, shall be transmitted to Congress as soon as practicable after they are made.

The Secretary of Commerce is authorized in specific cases to exempt existing vessels from the requirements of this section that the davits shall be of such strength and shall be fitted with a gear of sufficient power to insure that the boats can be lowered with their full complement of persons and equipment, the vessel being assumed to have a list of fifteen degrees, where their strict application would not be practicable or reasonable.

### CERTIFICATED LIFEBOAT MEN-MANNING OF THE BOATS

There shall be for each boat or raft a number of lifeboat men at least equal to that specified as follows: If the boat or raft carries twenty-five persons or less, the minimum number of certificated lifeboat men shall be one; if the boat or raft carries twenty-six persons and less than forty-one persons the minimum number of certificated lifeboat men shall be two; if the boat or raft carries forty-one persons and less than sixty-one persons the minimum number of certificated lifeboat men shall be three; if the boat or raft carries from sixty-one to eighty-five persons, the minimum number of certificated lifeboat men shall be four; if the boat or raft carries from eightysix to one hundred and ten persons, the minimum number of certificated lifeboat men shall be five; if the boat or raft carries from one hundred and eleven to one hundred and sixty persons, the minimum number of certificated lifeboat men shall be six; if the boat or raft carries from one hundred and sixty-one to two hundred and ten persons, the minimum number of certificated lifeboat men shall be seven; and, thereafter, one additional certificated lifeboat man for each additional fifty persons: Provided, That if the raft carries fifteen persons or less a licensed officer or able seaman need not be placed in charge of such raft: Provided further, That one-half the number of rafts carried shall have a capacity of exceeding fifteen persons.

The allocation of the certificated lifeboat men to each boat and raft remains within the discretion of the master, according to the

circumstances.

By "certificated lifeboat man" is meant any member of the crew who holds a certificate of efficiency issued under the authority of the Secretary of Commerce, who is hereby directed to provide for the

issue of such certificates.

In order to obtain the special lifeboat man's certificate the applicant must prove to the satisfaction of an officer designated by the Secretary of Commerce that he has been trained in all the operations connected with launching lifeboats and the use of oars; that he is acquainted with the practical handling of the boats themselves; and, further, that he is capable of understanding and answering the orders relative to lifeboat service.

#### MANNING OF BOATS

A licensed officer or able seaman shall be placed in charge of each boat or pontoon raft; he shall have a list of its lifeboat men, and other members of its crew which shall be sufficient for her safe management, and shall see that the men placed under his orders are acquainted with their several duties and stations.

A man capable of working the motor shall be assigned to each

motor boat.

The duty of seeing that the boats, pontoon rafts, and other lifesaving appliances are at all times ready for use shall be assigned to one or more officers.

#### MUSTER ROLL AND DRILL

Special duties for the event of an emergency shall be allotted to each member of the crew.

The muster list shows all these special duties, and indicates, in particular, the station to which each man must go, and the duties

that he has to perform.

Before the vessel sails the muster list shall be drawn up and exhibited, and the proper authority, to be designated by the Secretary of Commerce, shall be satisfied that the muster list has been prepared for the vessel. It shall be posted in several parts of the vessel, and, in particular, in the crew's quarters.

#### MUSTER LIST

The muster list shall assign duties to the different members of the crew in connection with—

(a) The closing of the water-tight doors, valves, and so forth.(b) The equipment of the boats and rafts generally.(c) The launching of the boats attached to davits.

(d) The general preparation of the other boats and the pontoon rafts.

(e) The muster of the passengers.

(f) The extinction of fire.

The muster list shall assign to the members of the stewards' department their several duties in relation to the passengers at a time of emergency. These duties shall include—

(a) Warning the passengers.(b) Seeing that they are dressed and have put on their life jackets in a proper manner.

(c) Assembling the passengers.(d) Keeping order in the passages and on the stairways, and,

generally, controlling the movements of the passengers.

The muster list shall specify definite alarm signals for calling all the crew to the boat and fire stations, and shall give full particulars of these signals.

#### MUSTERS AND DRILLS

Musters of the crews at their boat and fire stations, followed by boat and fire drills, respectively, shall be held at least once a week, either in port or at sea. An entry shall be made in the official log book of these drills, or of the reason why they could not be held.

Different groups of boats shall be used in turn at successive boat The drills and inspections shall be so arranged that the crew thoroughly understand and are practiced in the duties they have to perform, and that all the boats and pontoon rafts on the ship with the gear appertaining to them are always ready for immediate use.

### LIFE JACKETS AND LIFE BUOYS

A life jacket of an approved type, or other appliance of equal buoyancy and capable of being fitted on the body, shall be carried for every person on board, and, in addition, a sufficient number of life jackets, or other equivalent appliances, suitable for children.

First. A life jacket shall satisfy the following conditions: (a) It shall be of approved material and construction.

(b) It shall be capable of supporting in fresh water for twentyfour hours fifteen pounds avoirdupois of iron.

Life jackets, the buoyancy of which depends on air compartments, are prohibited.

Second. A life buoy shall satisfy the following conditions:

(a) It shall be of solid cork or any other equivalent material.

(b) It shall be capable of supporting in fresh water for twenty-four hours at least thirty-one pounds avoirdupois of iron.

Life buoys filled with rushes, cork shavings, or granulated cork, or any other loose granulated material, or whose buoyancy depends upon air compartments which require to be inflated, are prohibited.

Third. The minimum number of life buoys with which vessels are

to be provided is fixed as follows:

Vessels under one hundred feet in length, minimum number of buoys, two; vessels one hundred feet and less than two hundred feet in length, minimum number of buoys, four, of which two shall be luminous; vessels two hundred feet and less than three hundred feet in length, minimum number of buoys, six, of which two shall be luminous; vessels three hundred feet and less than four hundred feet in length, minimum number of buoys, twelve, of which four shall be luminous; vessels four hundred feet and less than six hundred feet in length, minimum number of buoys, eighteen, of which nine shall be luminous; vessels six hundred feet and less than eight hundred feet in length, minimum number of buoys, twenty-four, of which twelve shall be luminous; vessels eight hundred feet and over in length, minimum number of buoys, thirty, of which fifteen shall be luminous.

Fourth. All the buoys shall be fitted with beckets securely seized. Where two buoys only are carried one shall be fitted with a life line at least fifteen fathoms in length, and where more than two buoys are carried at least one buoy on each side shall be fitted with a life line of at least fifteen fathoms in length. The lights shall be efficient self-igniting lights which cannot be extinguished in water, and they shall be kept near the buoys to which they belong, with the necessary means of attachment.

Fifth. All the life buoys and life jackets shall be so placed as to be readily accessible to the persons on board; their position shall be plainly indicated so as to be known to the persons concerned.

The life buoys shall always be capable of being rapidly cast loose, and shall not be permanently secured in any way. The owner of any vessel who neglects or refuses to provide and equip his vessel with such lifeboats, floats, rafts, life preservers, line-carrying projectiles, and the means of propelling them, drags, pumps, or other appliances, as are required under the provisions of this section, or under the regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce, authorized by and made pursuant hereto, shall be fined not less than \$500, nor more than \$5,000, and every master of a vessel who shall fail to comply with the requirements of this section, and the regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce, authorized by and made pursuant hereto, shall upon conviction be fined not less than \$50 nor more than \$500. (Mar. 3, 1905, sec. 3; Mar. 4, 1915, sec. 14; June 12, 1916; June 30, 1932, sec. 501; Aug. 10, 1939; May 27, 1936, sec. 1.)

River Steamers.

#### LIFEBOATS

R. S. 4481 (46 U. S. C. 474). Every steam vessel navigating rivers only, except ferryboats, freight boats, canal boats, and towing boats, of less than fifty tons, shall have at least one good substantial boat with lines attached, and properly supplied with oars, and kept in good condition at all times, and ready for immediate use; and in addition thereto, every such vessel carrying passengers shall have one or more metallic lifeboats, fireproof, and in all respects good and substantial boats, of such dimensions and arrangements as the Board of Supervising Inspectors by their regulations shall prescribe, which boats shall be carried in the most convenient manner to be brought into immediate use in case of accident. But where the character of the navigation is such that, in the opinion of the supervising inspector, the metallic lifeboats can be dispensed with, he may exempt any such vessel from carrying the same; or may require a substitute therefor, at his discretion.

#### Life Preservers

R. S. 4482 (46 U. S. C. 475). Every such steam vessel<sup>2</sup> carrying passengers shall also be provided with a good life preserver, made of suitable material, for every cabin passenger for which she will have accommodation, and also a good life preserver or float for each deck or other class passenger which the inspector's certificate shall allow her to carry, including the officers and crew; which life preservers or floats shall be kept in convenient and accessible places on such vessel in readiness for immediate use in case of accident.

### FIRE BUCKETS AND AXES

R. S. 4483 (46 U. S. C. 476). Every such steam vessel <sup>2</sup> carrying passengers shall keep such fire buckets, axes, and water barrels as shall be prescribed by the regulations established by the Board of Supervising Inspectors, with the approval of the Secretary of Commerce. The buckets and barrels shall be kept in convenient places and filled with water, to be in readiness in case of fire, and the axes shall be kept in good order and ready for immediate use. Tanks of suitable dimensions and arrangement, or buckets in sufficient number, may be substituted for barrels. (Mar. 3, 1905, sec. 3.)

### STAIRWAYS AND GANGWAYS

R. S. 4484 (46 U. S. C. 477). Every such steam vessel <sup>2</sup> carrying passengers on the main deck shall be provided with permanent stairways and other sufficient means, convenient to the passengers, for their escape to the upper deck, in case of the vessel sinking or of other accident endangering life; and in the stowage of freight upon such deck, where passengers are carried, gangways or passages, sufficiently large to allow persons to pass freely through them, shall be left open both fore and aft of the vessel, and also to and along the guards on each side.

<sup>&</sup>lt;sup>2</sup> As described in R. S. 4481.

# ACCOMMODATION OF DECK PASSENGERS

R. S. 4485 (46 U. S. C. 478). The captain or mate of every such steam vessel <sup>3</sup> carrying passengers upon the main deck shall assign to all deck passengers, when taking passage, the space on deck they may occupy during the voyage, and such space shall not thereafter be occupied by freight, nor overcrowded by other persons, nor shall freight be stowed about the boilers or machinery, in such a manner as to obstruct or prevent the engineer from readily attending to his duties.

### PENATY FOR NOT PROVIDING PROPER ACCOMMODATIONS

R. S. 4486 (46 U. S. C. 479). For every violation of the provisions of the two preceding sections the owners of the vessel shall be punished by a fine of \$300.

## Watchmen on Passenger Steamers.

R. S. 4477 (46 U. S. C. 470). Every steamer carrying passengers during the nighttime shall keep a suitable number of watchmen in the cabins, and on each deck, to guard against fire or other dangers, and to give alarm in case of accident or disaster.

### PENALTY FOR FAILURE TO KEEP

R. S. 4478 (46 U. S. C. 471). For any neglect to keep the watchmen required by the preceding section, the license of the officer in charge of the vessel for the time being shall be revoked; and every owner of such vessel who neglects or refuses to furnish the number of men necessary to keep watch as required, shall be fined \$1,000.

# Fire Extinguishers.

R. S. 4479 (46 U. S. C. 472). The Board of Supervising Inspectors may require steamers carrying either passengers or freight to be provided with such number and kind of good and efficient portable fire extinguishers as, in the judgment of the board, may be necessary to protect them from fire when such steamers are moored or lying at a wharf without steam to work the pumps.

# Steering, Navigating, and Signaling Apparatus.

R. S. 4480 (46 U. S. C. 473). Every steamer carrying passengers shall be provided with such tiller ropes, tiller rods, or chains for the purpose of steering and navigating the vessel, and such bell pulls for signalizing the engineer from the pilot house, and such tubes or other arrangement to repeat back the signal to the pilot house, as may be prescribed by the Board of Supervising Inspectors, with the approval of the Secretary of Commerce.

# Passenger Carrying Barges.

R. S. 4492 (46 U. S. C. 490). Every barge carrying passengers, while in tow of any steamer, shall be subject to the provisions of this Title [R. S. 4399-4500] relating to fire buckets, axes, life preservers, and yawls, to such extent as shall be prescribed by the Board of

<sup>&</sup>lt;sup>3</sup> As described in R. S. 4481, p. 77.

Supervising Inspectors; and for any violation of this section the penalty shall be \$200, recoverable one-half for the use of the informer.

## Protection Against Fire.

R. S. 4470 (46 U. S. C. 463). Every steamer carrying passengers or freight shall be provided with suitable pipes and valves attached to the boiler to convey steam into the hold and to the different compartments thereof to extinguish fire, or such other suitable apparatus as may be prescribed by the regulations of the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, for extinguishing fire in the hold and compartments thereof by the introduction through pipes into such hold and compartments of carbonic acid gas or other fire-extinguishing gas or vapor; and every stove used on board of any such vessel shall be well and securely fastened, so as to prevent it from being moved or overthrown, and all woodwork or other ignitible substances about the boilers, chimneys, cookhouses, and stovepipes, exposed to ignition shall be thoroughly shielded by some incombustible material in such a manner as to leave the air to circulate freely between such material and woodwork or other ignitible substance; and before granting a certificate of inspection the inspector shall require all other necessary provisions to be made throughout such vessels to guard against loss or danger from fire. (Mar. 3, 1905, sec. 7.)

## AUTOMATIC SPRINKLERS

R. S. 4471 (46 U. S. C. 464). Every steamer permitted by her certificate of inspection to carry as many as fifty passengers, or upward, and every steamer carrying passengers, which also carries cotton, hay, or hemp, shall be provided with a good double-acting steam fire pump, or other equivalent apparatus for throwing water. Such pump or other apparatus for throwing water shall be kept at all times and at all seasons of the year in good order and ready for immediate use, having at least two pipes of suitable dimensions, one on each side of the vessel, to convey the water to the upper decks, to which pipes there shall be attached, by means of stopcocks or valves, both between decks and on the upper deck, good and suitable hose of sufficient strength to stand a pressure of not less than one hundred pounds to the square inch, long enough to reach to all parts of the vessel and properly provided with nozzles, and kept in good order and ready for immediate service. Each fire pump thus prescribed shall be supplied with water by means of a suitable pipe connected therewith, and passing through the side of the vessel so low as to be at all times under water when she is affoat. Every steamer shall also be provided with a pump which shall be of sufficient strength and suitably arranged to test the boilers thereof.

On and after October 1, 1937, every passenger vessel with berthed or stateroom accommodation for fifty or more passengers shall be equipped with an automatic sprinkler system, which shall be in addition to any other device or devices for fire protection, of a type prescribed by the Board of Supervising Inspectors and approved by the Secretary of Commerce. All enclosed portions of such vessels accessible to passengers or crew (except cargo holds, machinery spaces, and,

when of fire-resisting construction, toilets, bathrooms, and spaces of similar construction) shall be protected by an automatic sprinkler system: Provided, That if after investigation the Bureau of Marine Inspection and Navigation finds in the case of a particular vessel the application of this paragraph is unnecessary properly to protect life on such vessel, an exception may be made. The Bureau of Marine Inspection and Navigation shall cause to be made suitable tests and inspections as will insure the proper working of such systems. carrying out the provisions of this paragraph the Bureau of Marine Inspection and Navigation is hereby authorized and directed to prescribe the particular approved type, character, and manner of installation of systems to be fitted. The term "type" as used in this paragraph shall be considered to mean any system which will give a prescribed or required efficiency and shall not mean some peculiar shape or design and shall not be confined to some certain brand or make. (June 30, 1906; May 27, 1936; June 20, 1936; July 5, 1937; Aug. 10, 1939.)

Certificate Authorizing Vessel to Carry Gunpowder; Posting of.

R. S. 4422 (46 U. S. C. 401). Upon the application of any master or owner of any steam vessel employed in the carriage of passengers, for a license to carry gunpowder, the local inspectors shall examine such vessel, and if they find that she is provided with a chest or safe composed of metal, or entirely lined and sheathed therewith, or if the vessel has one or more compartments thoroughly lined and sheathed with metal, at a secure distance from any fire, they may grant a certificate to that effect, authorizing such vessel to carry as freight within such chest, safes, or compartments, the article of gunpowder, which cerificate shall be kept conspicuously posted on board such vessel. (Mar. 4, 1915, sec. 2.)

Dangerous Articles Prohibited on Passenger Vessels; Gasoline in Automobiles.

R. S. 4472 (46 U. S. C. 465). No loose hay, loose cotton, or loose hemp, camphene, nitroglycerine, naphtha, benzine, benzole, coal oil, crude or refined petroleum, or other like explosive burning fluids, or like dangerous articles, shall be carried as freight or used as stores on any steamer carrying passengers; nor shall baled cotton or hemp be carried on such steamers unless the bales are compactly pressed and thoroughly covered and secured in such manner as shall be prescribed by the regulations established by the Board of Supervising Inspectors with the approval of the Secretary of Commerce; nor shall gunpowder be carried on any such vessel except under special license; nor shall oil or vitriol, nitric or other chemical acids be carried on such steamers except on the decks or guards thereof or in such other safe part of the vessel as shall be prescribed by the inspectors. fined petroleum, which will not ignite at a temperature less than one hundred and ten degrees of Fahrenheit thermometer, may be carried on board such steamers upon routes where there is no other practicable mode of transporting it, and under such regulations as shall be prescribed by the Board of Supervising Inspectors with the approval of the Secretary of Commerce, and oil or spirits of turpentine may be carried on such steamers when put up in good metallic vessels or casks or barrels well and securely bound with iron and

stowed in a secure part of the vessel, and friction matches may be carried on such steamers when securely packed in strong tight chests or boxes, the covers of which shall be well secured by locks, screws, or other reliable fastenings, and stowed in a safe part of the vessel at a secure distance from any fire or heat. All such other provisions shall be made on every steamer carrying pasesngers or freight, to guard against and extinguish fire, as shall be prescribed by the Board of Supervising Inspectors and approved by the Secretary of Com-Nothing in the foregoing or following sections of this Act [R. S. 4415, 4416, 4423, 4426, 4449, 4470, 4472, 4498; 46 U. S. C. 384, 385, 400, 404, 240, 463, 465, 496, and Rule 1 of 4233, 33 U. S. C. 302] shall prohibit the transportation by steam vessels of gasoline or any of the products of petroleum when carried by motor vehicles (commonly known as automobiles) using the same as a source of motive power: Provided, however, That all fires, if any, in such vehicles or automobiles be extinguished immediately after entering the said vessel, and that the same be not relighted until immediately before said vehicle shall leave the vessel: Provided further, That any owner, master, agent, or other person having charge of passenger steam vessels shall have the right to refuse to transport automobile vehicles the tanks of which contain gasoline, naphtha, or other dangenerous burning fluids: Provided however, That nothing in the provisions of this Title (Transportation of passengers and merchandise) shall prohibit the transportation by vessels not carrying passengers for hire, of gasoline or any of the products of petroleum for use as a source of motive power for the motor boats or launches of such vessels: Provided further, That nothing in the foregoing or following sections of this Act [R. S. 4415, 4416, 4423, 4426, 4449, 4470, 4472, 4498, and Rule 1 of 4233] shall prohibit the use, by steam vessels carrying passengers for hire, of lifeboats equipped with gasoline motors, and tanks containing gasoline for the operation of said motor-driven lifeboats: Provided, however, That no gasoline shall be carried other than that in the tanks of the lifeboats: Provided further. That the use of such lifeboats equipped with gasoline motors shall be under such regulations as shall be prescribed by the Board of Supervising Inspectors with the approval of the Secretary of Commerce: Provided, however, That nothing in the foregoing or following sections of this Act [R. S. 4415, 4416, 4423, 4426, 4449, 4470, 4472, 4498, and Rule 1 of 4233] shall prohibit the transportation and use by vessels carrying passengers or freight for hire of gasoline or any of the products of petroleum for the operation of engines to supply an auxiliary lighting and wireless system independent of the vessel's main power plant: Provided further, That the transportation or use of such gasoline or any of the products of petroleum shall be under such regulations as shall be prescribed by the Board of Supervising Inspectors, with the approval of the Secretary of Commerce: Provided, however, That kerosene and lubricating oils made from refined products of petroleum which will stand a fire test of not less than three hundred degrees Fahrenheit may be used as stores on board steamers carrying passengers, under such regulations as shall

be prescribed by the Board of Supervising Inspectors with the approval of the Secretary of Commerce. (Mar. 3, 1905, sec. 8: May 28, 1906; Jan. 24, 1913; Oct. 22, 1914; Mar. 29, 1918.)

Penalty for Failure to Stop Automobile Motor.

R. S. 4472 (46 U. S. C. 465). The owner of any automobile in which all fire has not been extinguished and the motor stopped immediately after the automobile has taken its position on any vessel found on navigable waters of the United States and in which such fires do not remain extinguished and the motors remain idle until the vessel is made fast to the wharf or ferry bridge at which he lands shall incur a penalty of not more than \$500, for which the automobile shall be liable. (Mar. 2, 1925.)

Penalty for Unlawfully Carrying Cotton or Hemp.

R. S. 4473 (46 U. S. C. 466). Every bale of cotton or hemp that shall be shipped or carried on any passenger steamer, without conforming to the provisions of the preceding section, shall be subject to a penalty of \$5, and shall be liable to seizure and sale to secure the payment of such penalty.

Petroleum as Means of Motive Power; Discharge at Terminal Points.

R. S. 4474 (46 U. S. C. 467). The Secretary of Commerce may grant permission to the owner of any steam vessel, to use any invention or process for the utilization of petroleum or other mineral oils or substances in the production of motive power, and may make and enforce regulations concerning the application and use of the same for such purpose. But no such permission shall be granted, unless upon the certificate of the supervising inspector of steamboats for the district wherein such vessel is registered, and other satisfactory proof that the use of the same is safe and efficient; and upon such proof, and the approval of such certificate by the Secretary of Commerce, a special license for the use of such process or invention shall issue under the seal of the Department of Commerce.

The Secretary of Commerce may permit the use of petroleum as fuel on steamers not carrying passengers, without the certificate of the supervising inspector of the district where the vessel is to be used, subject to such conditions and safeguards as the Secretary of Commerce in his judgment shall provide. For a violation of any of the conditions imposed by the Secretary of Commerce a penalty of \$500 shall be imposed, which penalty shall be a lien upon the vessel, but a bond may, as provided in other cases, be given to secure

the satisfaction of the judgment.

Provided further, That when crude petroleum of a flash point not less than one hundred and fifty degrees Fahrenheit, is carried in the double-bottom fuel tanks of steamers using the same for fuel, the crude petroleum carried in such tanks in excess of the necessities of the voyage may be discharged at terminal ports when no passengers are on board the ship. Crude petroleum carried and discharged under these conditions will not be considered stores or cargo within the contemplation of section 4472, Revised Statutes of the United States. (Oct. 18, 1888; Feb. 14, 1903, sec. 10; Mar. 4, 1913, sec. 1; July 17, 1914.)

Mode of Packing Dangerous Articles.

R. S. 4475 (46 U. S. C. 468). All gunpowder, nitroglycerine, camphene, naphtha, benzine, benzole, coal oil, crude or refined petroleum, oil of vitriol, nitric or other chemical acids, oil or spirits of turpentine, friction matches, and all other articles of like character, when packed or put up for shipment, shall be securely packed and put up separately from each other and from all other articles; and the package, box, cask, or other vessel containing the same shall be distinctly marked on the outside, with the name and description of the article contained therein.

Penalty for Unlawfully Shipping Dangerous Articles.

R. S. 4476 (46 U. S. C. 469). Every person who packs or puts up, or causes to be packed or put up for shipment, any gunpowder, nitroglycerine, camphene, naphtha, benzine, benzole, coal oil, crude or refined petroleum, oil of vitriol, nitric or other chemical acids, oil or spirits of turpentine, friction matches, or other articles of like character otherwise than as directed by the preceding section, or who knowingly ships or attempts to ship the same, or delivers the same to any such vessel as stores, unless duly packed and marked, shall be deemed guilty of a misdemeanor, and punished by a fine not exceeding \$2,000, or imprisonment not exceeding eighteen months, or both; one-half of the fine to go to the informer, and the articles to be liable to seizure and forfeiture.

## Special Permit for Excursions.

R. S. 4466 (46 U. S. C. 453). If any passenger vessel engages in excursions, the board of local inspectors shall issue to such vessel a special permit, in writing, for the occasion, in which shall be stated the additional number of passengers that may be carried and the number and kind of life-saving appliances that shall be provided for the safety of such additional passengers; and they shall also, in their discretion, limit the route and distance for such excursions: Provided, however, That the issuance of such special permit shall be reported by the board of local inspectors to the supervising inspector of the district, and such special permit shall not be effective until approved by the said supervising inspector. (Feb. 14, 1917, sec. 3.)

Count or List of Passengers.

R. S. 4467 (46 U. S. C. 460). The master of every passenger steamer shall keep a correct count of all the passengers received and delivered from day to day, which count shall be open to the inspection of the inspectors and officers of the customs at all times, and the aggregate number of passengers shall be furnished to inspectors as often as called for: Provided, however, That a correct list of passengers received and delivered from day to day shall be kept, instead of a correct count, by the masters of seagoing passenger steamers in the coastwise trade and by the masters of passenger steamers on the Great Lakes on routes exceeding three hundred miles: Provided further, That nothing herein shall affect existing laws relative to vessels running between this country and foreign ports. (Feb. 27, 1877, sec. 1; May 28, 1908, sec. 3).

# PENALTY FOR FAILURE TO KEEP

R. S. 4468 (46 U. S. C. 461). Every master of any passenger steamer who fails, through negligence or design, to keep a count or list of passengers as required by the preceding section shall be liable to a penalty of \$100. (May 28, 1908, sec. 4.)

### Penalties Lien on Vessel.

R. S. 4469 (46 U. S. C. 462). The penalties imposed by sections 4465 and 4468 [46 U. S. C. 452, 461] shall be a lien upon the vessel in each case; but a bond may, as provided in other cases, be given to secure the satisfaction of the judgment.

# Penalty for Violating Provisions as to or in Certificates.

R. S. 4424 (46 U. S. C. 402). Whenever any passenger is received on board any steam vessel not having an unexpired certificate of approval or an unexpired temporary certificate of approval placed and kept as required by this Title, or whenever any passenger steam vessel receives or carries any gunpowder on board, not having a certificate authorizing the same, placed and kept as required, or shall carry any gunpowder at a place or in a manner not authorized by such certificate, such steam vessel shall be liable to a penalty of \$100 for each offense. (Mar. 4, 1915, sec. 4.)

### Exhibit of Laws.

R. S. 4494 (46 U. S. C. 492). Every master or commander of any steam vessel carrying passengers shall keep on board of such vessel at least two copies of the provisions of this Title [Laws Governing Marine Inspection], to be furnished to him by the Secretary of Commerce, and if the master or commander neglects or refuses to do so, or shall unreasonably refuse to exhibit a copy of the same to any passenger who asks for it, he shall be liable to a penalty of \$20. (Feb. 14, 1903, sec. 10; Mar. 4, 1913, sec. 1.)

# Liability for Damage.

R. S. 4493 (46 U. S. C. 491). Whenever damage is sustained by any passenger or his baggage, from explosion, fire, collision, or other cause, the master and the owner of such vessel, or either of them, and the vessel shall be liable to each and every person so injured, to the full amount of damage if it happens through any neglect or failure to comply with the provisions of this Title [R. S. 4399-4500], or through known defects or imperfections of the steaming apparatus or of the hull; and any person sustaining loss or injury through the carelessness, negligence, or willful misconduct of any master, mate, engineer, or pilot, or his neglect or refusal to obey the laws governing the navigation of such steamers, may sue such master, mate, engineer, or pilot, and recover damages for any such injury caused by any such master, mate, engineer, or pilot.

# Transportation of Nitroglycerin or Oil.

R. S. 4278 (46 U. S. C. 172). It shall not be lawful to transport, carry, or convey, ship, deliver on board, or cause to be delivered on board, the substance or article known or designated as nitroglycerin, or glynoin oil, nitroleum or blasting oil, or nitrated oil, or powder mixed with any such oil, or fiber saturated with any such article

or substance, upon or in any vessel or vehicle used or employed in transporting passengers by land or water between a place in any foreign country and a place within the limits of any State, Territory, or district of the United States, or between a place in one State, Territory, or district of the United States, and a place in any other State, Territory, or district thereof.

# Packing and Marking.

R. S. 4279 (46 U. S. C. 173). It shall not be lawful to ship, send, or forward any quantity of the substances or articles named in the preceding section, or to transport, convey, or carry the same by a vessel or vehicle of any description, upon land or water, between a place in a foreign country and a place within the United States, or between a place in one State, Territory, or district of the United States, and a place in any other State, Territory, or district thereof, unless the same shall be securely enclosed, deposited, or packed in a metallic vessel surrounded by plaster of Paris, or other material that will be nonexplosive when saturated with such oil or substance, and separate from all other substances, and the outside of the package containing the same be marked, printed, or labeled in a conspicuous manner with the words "Nitroglycerine, dangerous."

# Regulation by States.

R. S. 4280 (46 U. S. C. 174). The two preceding sections shall not be so construed as to prevent any State, Territory, district, city, or town within the United States from regulating or from prohibiting the traffic in or transportaion of those substances, between persons or places lying or being within their respective territorial limits, or from prohibiting the introduction thereof into such limits, for sale, use, or consumption therein.

# Number of Passengers Allowable.

June 5, 1920, sec. 26 (46 U. S. C. 882). Cargo vessels documented under the laws of the United States may carry not to exceed sixteen persons in addition to the crew between any ports or places in the United States or its Districts, Territories, or possessions, or between any such port or place and any foreign port, or from any foreign port to another foreign port, and such vessels shall not be held to be "passenger vessels" or "vessels carrying passengers" within the meaning of the inspection laws and the rules and regulations thereunder: Provided, That nothing herein shall be taken to exempt such vessels from the laws, rules, and regulations respecting life-saving equipment: Provided further, That when any such vessel carries persons other than the crew as herein provided for, the owner, agent, or master of the vessel shall first notify such persons of the presence on board of any dangerous articles, as defined by law, or of any other condition or circumstance which would constitute a risk of safety for passenger or crew.

The privilege bestowed by this section on vessels of the United States shall be extended in so far as the foreign trade is concerned to the cargo vessels of any nation which allows the like privilege to cargo vessels of the United States in trades not restricted to vessels

under its own flag.

Failure on the part of the owner, agent, or master of the vessel to give such notice shall subject the vessel to a penalty of \$500, which may be mitigated or remitted by the Secretary of Commerce upon a proper representation of the facts.

Note.—See International Convention for Safety of Life at Sea, p. 89.

Duty of Inspectors.

R. S. 4464 (46 U. S. C. 451). The board of local inspectors shall state in every certificate of inspection granted to vessels carrying passengers, other than ferryboats, the number of passengers of each class that any such vessel has accommodation for and can carry with prudence and safety. They shall report their action to the supervising inspector of the district, who may at any time order the number of such passengers decreased, giving his reasons therefor in writing, and thereupon the board of local inspectors shall change the certificate of inspection of such vessel to conform with the decision of the supervising inspector. Whenever the allowance of passengers shall be increased by any board of local inspectors such increase shall be reported to the supervising inspector of the district, together with the reasons therefor, and such increase shall not become effective until the same has been approved in writing by the supervising inspector. (Feb. 14, 1917, sec. 1.)

Penalty for Carrying too Many Passengers.

R. S. 4465 (46 U. S. C. 452). It shall not be lawful to take on board of any vessel a greater number of passengers than is stated in the certificate of inspection, and for every violation of this provision the master or owner shall be liable to any person suing for the same to forfeit the amount of passage money and \$10 for each passenger beyond the number allowed.

The master or owner of the vessel, or either or any of them, who shall knowingly violate this provision shall be liable to a fine of not more than \$100 or imprisonment of not more than thirty days, or

both. (Feb. 14, 1917, sec. 2.)

Vessels on Great Lakes Carrying Persons Not Passengers.

July 9, 1886, sec. 1 (46 U.S. C. 458). Any steam vessel engaged in the business of towing vessels, rafts or water craft of any kind, also steam vessels engaged in oyster dredging and planting, and fishing steamers engaged in food fishing on the Great Lakes and all other inland waters of the United States, and not carrying passengers, may be authorized and licensed by the supervising inspector of the district in which said steamer shall be employed to carry on board such number of persons, in addition to its crew, as the supervising inspector, in his judgment, shall deem necessary to carry on the legitimate business of such towing, oyster and fishing steamers, not exceeding, however, one person to every net ton of measurement of said steamer: Provided, however, That the person so allowed to be carried shall not be carried for hire. (Feb. 23, 1901, sec. 1.)

### Life Preservers

July 9, 1886, sec. 2 (46 U.S. C. 459). Every steam vessel licensed under the foregoing section shall carry and have on board, in ac-

cessible places, one life preserver for every person allowed to be carried, in addition to those provided for the crew of such vessel. (Feb. 23, 1901, sec. 2.)

Carrying Explosives; on Vessels or Vehicles With Passengers for Hire; Explosives Permitted; Restrictions; Military Transportation.

R. S. 5353 (18 U. S. C. 382). It shall be unlawful to transport, carry, or convey, within the limits of the jurisdiction of the United States, any high explosive, such as, and including, dynamite, blasting caps, detonating fuzes, black powder, gunpowder, or other like explosive, on any vessel, car, or vehicle of any description operated in the transportation of passengers by a common carrier engaged in interstate or foreign commerce, which vessel, car, or vehicle is carrying passengers for hire: Provided, That it shall be lawful to transport on any such vessel, car, or vehicle smokeless powder, primers, fuses, not including detonating fuzes, fireworks, or other similar explosives, and properly packed and marked samples of explosives for laboratory examination, not exceeding a net weight of one-half pound each, and not exceeding twenty samples at one time in a single vessel, car, or vehicle; but such explosives shall not be carried in that part of a vessel, car, or vehicle which is being used for the transportation of passengers for hire: Provided further, That it shall be lawful to transport on any such vessel, car, or vehicle small-arms ammunition in any quantity, and such fusees, torpedoes, rockets, or other signal devices as may be essential to promote safety in operation: And provided further, That nothing in this section shall be construed to prevent the transportation of military or naval forces with their accompanying munitions of war on passenger-equipment vessels, cars, or vehicles.

The words "detonating fuzes", as used in this section shall be interpreted to mean fuzes used in naval or military service to detonate the high-explosive bursting charges of projectiles, mines, bombs, or torpedoes. The word "fuzes" as used herein shall be interpreted to mean devices used in igniting the bursting charges of projectiles. The word "primers" as used herein shall be interpreted to mean devices used in igniting the propelling powder charges of ammunition. The word "fuses" as used herein shall be interpreted to mean the slow-burning fuses used commercially and intended to convey fire to an explosive or combustible mass slowly or without danger to the person lighting. The word "fusees" as used herein shall be interpreted to mean the fusees ordinarily used on steamboats and railroads as night signals. (May 30, 1908, sec. 1; March 4, 1909, sec. 232;

March 4, 1921.)

Regulations by Interstate Commerce Commission; Effect.

May 30, 1908, sec. 2 (18 U. S. C. 383). The Interstate Commerce Commission shall formulate regulations for the safe transportation within the limits of the jurisdiction of the United States of explosives and other dangerous articles, including inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases, and poisonous substances, which shall be binding upon all common carriers engaged in interstate or foreign commerce which transport explosives or other dangerous articles by land or water, and upon all shippers making shipments of explosives or other dangerous articles via

any common carrier engaged in interstate or foreign commerce by land or water. Said commission, of its own motion, or upon application made by any interested party, may make changes or modifications in such regulations, made desirable by new information or altered conditions. Such regulations shall be in accord with the best-known practicable means for securing safety in transit, covering the packing, marking, loading, handling while in transit, and the precautions necessary to determine whether the material when offered is in proper condition to transport. Such regulations, as well as all changes or modifications thereof, shall, unless a shorter time is authorized by the commission, take effect ninety days after their formulation and publication by said commission and shall be in effect until reversed, set aside, or modified. In the execution of the provisions of this Act [Criminal Code Mar. 4, 1909—U. S. C., title 18] the Interstate Commerce Commission may utilize the services of the bureau for the safe transportation of explosives and other dangerous articles, and may avail itself of the advice and assistance of any department, commission, or board of the Government, but no official or employee of the United States shall receive any additional compensation for such service except as now permitted by law. (Mar. 4, 1909, sec. 233; Mar. 4, 1921.)

High Explosives Excluded.

May 30, 1908, sec. 3 (18 U. S. C. 384). It shall be unlawful to transport, carry, or convey within the limits of the jurisdiction of the United States, liquid nitroglycerine, fulminate in bulk in dry condition, or other like explosive, on any vessel, car, or vehicle of any description operated in the transportation of passengers or property by land or water by a common carrier engaged in interstate or foreign commerce. (March 4, 1909, sec. 234; March 4, 1921.)

Marking Packages.

R. S. 5355 (18 U. S. C. 385). Every package containing explosives or other dangerous articles when presented to a common carrier for shipment shall have plainly marked on the outside thereof the contents thereof; and it shall be unlawful for any person to deliver, or cause to be delivered, to any common carrier engaged in interstate or foreign commerce by land or water, or to carry upon any vessel, car, or vehicle operated by any common carrier engaged in interstate or foreign commerce by land or water any explosive, or other dangerous article, as specified in section 233 of this Act, under any false or deceptive marking, description, invoice, shipping order, or other declaration, or without informing the agent of such carrier in writing of the true character thereof, at or before the time such delivery or carriage is made. Whoever shall knowingly violate, or cause to be violated, any provision of this section, or of the three sections last preceding, or any regulation made by the Interstate Commerce Commission in pursuance thereof, shall be fined not more than \$2,000 or imprisoned not more than eighteen months, or both. (May 30, 1908, secs. 4 and 5; Mar. 4, 1909, sec. 235; Mar. 4, 1921.)

Causing Death or Injury by Illegal Transportation.

R. S. 5354 (18 U. S. C. 386). When the death or bodily injury of any person results from the violation of any of the four sections

last preceding, or any regulation made by the Interstate Commerce Commission in pursuance thereof, the person or persons who shall have so knowingly violated, or caused to be violated, such provision or regulation, shall be fined not more than \$10,000, or imprisoned not more than ten years, or both. (Mar. 4, 1909, sec. 236; Mar. 4, 1921.)

International Convention for the Safety of Life at Sea.

#### ARTICLE 1

The Contracting Governments undertake to give effect to the provisions of the present Convention for the purpose of promoting safety of life at sea, to promulgate all regulations and to take all other steps which may be necessary to give the present Convention full and complete effect.

The provisions of the present Convention are completed by Regulations contained in Annex I, which have the same force and take effect at the same time as the present Convention. Every reference to the present Convention implies at the same time a reference to

the Regulations annexed thereto.

#### Article 2.—Applications and Definitions

1. The provisions of the present Convention shall apply to ships belonging to countries the Governments of which are Contracting Governments, and to ships belonging to territorities to which the present Convention is applied under Article 62, as follows:

Chapter II.—(Construction), to passenger ships (mechanically

propelled) on international voyages.

Chapter III.—(Life-saving Appliances), to passenger ships (me-

chanically propelled) on international voyages.

Chapter IV.—(Radiotelegraphy), to all ships engaged on international voyages except cargo ships of less than 1,600 tons gross tonnage.

Chapter V.—(Safety of Navigation), to all ships on all voyages. Chapter VI.—(Certificates), to all the ships to which Chapters

II, III, and IV apply.

2. The classes of ships to which each chapter applies are more precisely defined, and the extent of the application is shown, in each

3. In the present Convention, unless expressly provided otherwise— (a) a ship is regarded as belonging to a country if it is registered

at a port of that country;

(b) the expression "Administration" means the Government of the

country in which the ship is registered;

(c) an international voyage is a voyage from a country to which the present Convention applies to a port outside such country, or conversely; and for this purpose every colony, overseas territory, protectorate, or territory under suzerainty or mandate is regarded as a separate country;

(d) a ship is a passenger ship if it carries more than 12 passengers;

(e) the expression "Regulations" means the Regulations contained in Annex I.

4. The present Convention, unless expressly provided otherwise, does not apply to ships of war.

#### ARTICLE 3.—CASES OF FORCE MAJEURE

No ship, which is not subject to the provisions of the present Convention at the time of its departure on any voyage, shall become subject to the provisions of the present Convention on account of any deviation from its intended voyage due to stress of weather or any other cause of force majeure.

Persons who are on board a ship by reason of *force majeure* or in consequence of the obligation laid upon the master to carry ship-wrecked or other persons shall not be taken into account for the purpose of ascertaining the application to a ship of any provisions of the

present Convention.

#### ARTICLE 4.—APPLICATION

1. This chapter, except where it is otherwise expressly provided, applies to new passenger ships engaged on international voyages.

2. A new passenger ship is a ship the keel of which is laid on or after the 1st of July 1931, or a ship which is converted to passenger service on or after that date, all other passenger ships being described

as existing passenger ships.

3. Each Administration may, if it considers that the route and the conditions of the voyage are such as to render the application of the requirements of this chapter unreasonable or unnecessary, exempt from the requirements of this chapter individual ships or classes of ships belonging to its country which, in the course of their voyage, do not proceed more than 20 miles from the nearest land.

4. In the case of a passenger ship which, in the course of its voyage, does not proceed more than 200 miles from the nearest land, the Administration of the country to which the ship belongs may allow relaxations from such of the requirements of Regulations IX, X, XV, and XIX as may be proved to the satisfaction of the Administration

to be neither reasonable nor practicable.

5. In the case of existing passenger ships engaged on international voyages which do not already comply with the provisions of this chapter relating to new passenger ships, the arrangements on each ship shall be considered by the Administration of the country to which the ship belongs, with a view to improvements being made to

provide increased safety where practicable and reasonable.

6. In the case of passenger ships engaged on international voyages which are employed in the carriage of large numbers of unberthed passengers in special trades, such, for example, as the pilgrim trade, an Administration, if satisfied that it is impracticable to enforce compliance with the requirements of this chapter, may exempt such ships, when they belong to its country, from those requirements on the following conditions:

(a) That the fullest provision which the circumstances of the trade

will permit shall be made in the matter of construction.

(b) That steps shall be taken to formulate general rules which shall be applicable to the particular circumstances of these trades. Such rules shall be formulated in concert with such other Contract-

ing Governments, if any, as may be directly interested in the carriage

of such passengers.

7. This chapter does not apply to ships which are not mechanically propelled or to wooden ships of primitive build, such as dhows. junks, &c.

## ARTICLE 5.—WATERTIGHT SUBDIVISION OF SHIPS

1. Ships shall be as efficiently subdivided as is possible having regard to the nature of the service for which they are intended. The requirements respecting subdivision are given in the following articles

and in the Regulations.

2. The degree of subdivision provided for by these requirements varies with the length of the ship and with the service, in such manner that the highest degree of subdivision corresponds with the ships of greatest length primarily engaged in the carriage of passengers.

3. Regulations I to V indicate the method to be followed in order

to determine the degree of subdivision applicable to a ship.

4. In order that the required degree of subdivision shall be maintained, a load line corresponding to the approved subdivision draft shall be assigned and marked on the ship's sides. A ship having spaces which are specially adapted for the accommodation of passengers and the carriage of cargo alternatively may, if the owners desire, have one or more additional load lines assigned and marked to correspond with the subdivision drafts which the Administration may approve for the alternative service conditions. The freeboard corresponding to each approved subdivision load line, and the conditions of service for which it is approved, shall be clearly indicated on the Safety Certificate. Subdivision load line shall be marked and recorded in the manner provided in Regulation VII.

## ARTICLE 6.—PEAK AND MACHINERY SPACE BULKHEADS, SHAFT TUNNELS, &C.

All ships shall be fitted with watertight forward and after peak bulkheads and with watertight bulkheads at the extremities of the machinery space, and, in screw ships, with watertight shaft tunnels or equivalent subdivision in accordance with the provisions of Regulation VI.

# ARTICLE 7.—CONSTRUCTION, TESTING, &c.

Regulations VIII to XIII and XV to XXI prescribe rules for-(a) the construction and testing of subdivision bulkheads, inner bottoms, watertight decks, trunks, ventilators, fire-resisting bulkheads, &c.;

(b) the conditions governing openings in bulkheads, in the ship's sides and in the weather deck, and the character and use of means

which shall be provided for closing these openings;

(c) the tests and the periodical inspections and operation of the means of closing openings in bulkheads and in the ship's side;

(d) exits from watertight compartments;

(e) pumping arrangements; and
 (f) power for going astern and auxiliary steering apparatus.

#### ARTICLE 8.—STABILITY TEST

Every new passenger ship shall be inclined upon its completion and the elements of its stability determined. The operating personnel shall be supplied with such information on this subject as is necessary to permit efficient handling of the ship.

#### ARTICLE 9.—ENTRIES IN THE OFFICIAL LOG BOOK

A record of the closing and opening of watertight doors. &c., and of all inspections and drills, shall be entered in the official log book as required by Regulation XIV.

## ARTICLE 10.—INITIAL AND SUBSEQUENT SURVEYS OF SHIPS

The general principles which shall govern the survey of ships, whether new or existing, as regards hull, main and auxiliary boilers and machinery, and equipments, are stated in Regulation XXII. Each Contracting Government undertakes—

(1) to draw up detailed regulations in accordance with these general principles, or to bring its existing regulations into agreement

with these principles;

(2) to secure that these regulations shall be enforced.

The detailed regulations referred to in the preceding paragraph shall be in all respects such as to secure that, from the point of view of safety of life, the ship is fit for the service for which it is intended.

## ARTICLE 11.—INTERPRETATION

For the purposes of this chapter—

(a) the expression "new ship" means a ship the keel of which is laid on or after the 1st of July, 1931, all other ships being described as existing ships;

(b) the expression "short international voyage" means an international voyage in the course of which a ship is not more than 200

miles from the nearest land;

(c) the expression "buoyant apparatus" means buoyant deck seats, or buoyant deck chairs, or any other buoyant apparatus excepting boats, life-buoys, and life-jackets.

## ARTICLE 12.—APPLICATION

1. This chapter, except where it is otherwise expressly provided, applies to new passenger ships which are mechanically propelled and engaged on international voyages.

2. Special provisions are laid down in Articles 13, 14, 19, and 25 with regard to new passenger ships engaged on short international

vovages.

3. Each Administration, if it considers that the route and the conditions of the voyage are such as to render the application of the full requirements of this chapter unreasonable or unnecessary may to that extent exempt from the requirements of this chapter individual ships or classes of ships belonging to its country which, in the course of their voyage, do not go more than 20 miles from the nearest land.

4. In the case of existing passenger ships which are mechanically propelled and engaged on international voyages and which do not already comply with the provisions of this chapter relating to new passenger ships, the arrangements on each ship shall be considered by the Administration of the country to which the ship belongs with a view to securing, so far as this is practicable and reasonable, compliance with the general principles set out in Article 13 not later than the 1st of July, 1931, and substantial compliance with the other requirements of this chapter.

5. In the case of passenger ships which are mechanically propelled and engaged on international voyages and which are employed in the carriage of large numbers of unberthed passengers in special trades, such, for example, as the pilgrim trade, an Administration, if satisfied that it is impracticable to enforce compliance with the requirements of this chapter, may exempt such ships, when they belong to its country, from those requirements on the following

conditions:

(a) That the fullest provision which the circumstances of the trade will permit shall be made in the matter of lifeboats and other lifesaving appliances and fire protection.

(b) That all such boats and apparatus shall be readily available

within the meaning of Article 13.

(c) That a life-jacket shall be provided for every person on board. (d) That steps shall be taken to formulate general rules which shall be applicable to the particular circumstances of these trades. Such rules shall be formulated in concert with such other Contracting Governments, if any, as may be directly interested in the carriage of such passengers.

# ARTICLE 13.—LIFEBOATS AND BUOYANT APPARATUS

The general principles governing the provision of lifeboats and buoyant apparatus in a ship to which this chapter applies are that they shall be readily available in case of emergency and shall be adequate.

1. To be readily available, the lifeboats and buoyant apparatus

must comply with the following conditions:

(a) They must be capable of being got into the water safely and rapidly even under unfavorable conditions of list and trim.

(b) It must be possible to embark the passengers in the boats

rapidly and in good order.

(c) The arrangement of each boat and article of buoyant apparatus must be such that it will not interfere with the operation of other boats and buoyant apparatus.

2. To be adequate the provision of lifeboats and buoyant apparatus

must satisfy the following conditions:

(a) Subject to the provisions of sub-paragraph (b) of this paragraph there must be accommodation in boats for all persons on board, and there must, in addition, be buoyant apparatus for 25 per cent of

the persons on board.

(b) In the case of passenger ships engaged on short international voyages, the boats must be provided in accordance with the requirements set out in the table in Regulation XXXIX, and there must be, in addition, buoyant apparatus so that the boats and buoyant appara-

tus together provide accommodation for all on board as set out in Regulation XXXVIII. There must, in addition, be buoyant apparatus for 10 per cent of the persons on board.

(c) No more boats shall be required on any passenger ship than are

sufficient to accommodate all persons on board.

## ARTICLE 14.—READY AVAILABILITY AND ADEQUACY

The arrangements for securing the principles of ready availability and adequacy mentioned in Article 13 shall be in accordance with the provisions of Regulations XXXVII, XXXVIII, and XXXIX.

# Article 15.—Standard Types of Boats—Life Rafts—Buoyant Apparatus

All the lifeboats, life rafts, and buoyant apparatus shall comply with the conditions fixed by this Convention and Regulations XXIV to XXIX.

#### ARTICLE 16.—CONSTRUCTION OF BOATS

All boats must be properly constructed, and shall be of such form and proportion that they shall have ample stability in a seaway, and sufficient freeboard when loaded with their full complement of persons and equipment.

Each boat must be of sufficient strength to enable it to be safely lowered into the water when loaded with its full complement of

persons and equipment.

# ARTICLE 17.—Embarkation of the Passengers in the Boats

Suitable arrangements shall be made for embarking the passengers in the boats at an embarkation deck. There shall also be a suitable ladder provided at each set of davits.

# ARTICLE 18.—CAPACITY OF BOATS AND LIFE RAFTS

The number of persons that a boat of one of the standard types or an approved life raft or buoyant apparatus can accommodate and the conditions of approval of life rafts and buoyant apparatus shall be ascertained in accordance with the provisions of Regulations XXX to XXXV, inclusive.

# ARTICLE 19.—EQUIPMENT OF BOATS AND LIFE RAFTS

Regulation XXXVI prescribes the equipment for boats and life rafts.

# ARTICLE 20.—LIFE-JACKETS AND LIFE-BUOYS

1. Every ship to which this chapter applies shall carry for every person on board a life-jacket of a type approved by the Administration, and in addition, unless these life-jackets can be adapted for use by children, a sufficient number of life-jackets suitable for children.

2. Every such ship shall also carry life-buoys of a type approved

as aforesaid to the number required by Regulation XL.

3. A life-jacket or life-buoy shall not be approved by an Administration unless it satisfies the requirements of Regulation XL applicable to life-jackets and life-buoys respectively.

4. In this article the expression "life-jacket" includes any appliance capable of being fitted on the body, having the same buoyancy as a

life-jacket.

## ARTICLE 21.—MEANS OF INGRESS AND EGRESS—EMERGENCY LIGHTING

1. Proper arrangement shall be made for ingress to and egress

from the different compartments, decks, &c.

2. Provision shall be made for an electric or other system of lighting, sufficient for all requirements of safety, in the different parts of the ship, and particularly upon the decks on which the lifeboats are stowed. On ships in which the boat deck is more than 9.15 metres (30 feet) above the waterline at the lightest seagoing draught, provision shall be made for the illumination from the ship of the lifeboats when alongside and in process of or immediately after being launched. There must be a self-contained source capable of supplying, when necessary, this safety lighting system, and placed in the upper parts of the ship above the bulkhead deck.

3. The exit from every main compartment occupied by passengers or crew shall be continuously lighted by an emergency lamp. The power for these emergency lamps shall be so arranged that they will be supplied from the independent installation referred to in the preceding paragraph in the event of failure of the main generating plant.

# ARTICLE 22.—CERTIFICATED LIFEBOATMEN—MANNING OF THE BOATS

1. In every ship to which this chapter applies there must be, for any boat or life raft carried in order to comply with this chapter, such number of certificated lifeboatmen as is required by Regulation XLI for that boat.

2. The allocation of the certificated lifeboatmen to each boat and life raft remains within the discretion of the master, according to the

cırcumstances

3. By "certificated lifeboatmen" is meant any member of the crew who holds a certificate of efficiency issued under the authority of the Administration in accordance with the conditions laid down in the afore-mentioned Regulation.

4. The manning of the boats shall be as prescribed in Regulation

XLII.

## ARTICLE 23.—LINE-THROWING APPLIANCES

Every ship to which this chapter applies shall carry a line-throwing appliance of a type approved by the Administration.

# ARTICLE 24.—DANGEROUS GOODS—FIRE PROTECTION

1. The carriage, either as cargo or ballast, of goods which by reason of their nature, quantity, or mode of stowage, are, either singly or

collectively, liable to endanger the lives of the passengers or the safety

of the ship, is forbidden.

This provision does not apply to the ship's distress signals, nor to the carriage of naval or military stores for the public service of the States under conditions authorised by the Administration.

Each Administration shall, from time to time by official notice, determine what goods are to be considered dangerous goods, and shall indicate the precautions which must be taken in the packing and

stowage thereof.

2. The arrangements to be made for the detection and extinction of fire shall be as prescribed in Regulation XLIII.

#### ARTICLE 25.—MUSTER ROLL AND DRILLS

Special duties for the event of an emergency shall be allotted to each member of the crew.

The muster list shall show all these special duties and shall indicate in particular, the station to which each man must go, and the duties

that he has to perform.

Before the vessel sails, the muster list shall be drawn up and exhibited, and the proper authority shall be satisfied that the muster list has been prepared for the ship. It shall be posted in several parts of the ship, and in particular in the crew's quarters.

Regulations XLIV and XLV prescribe the conditions under which

musters of the crew and drills shall take place.

## ARTICLE 26.—APPLICATION AND DEFINITION

1. This chapter applies to all ships engaged on international voyages except cargo ships of less than 1,600 tons gross tonnage.

2. For the purpose of this chapter a cargo ship means any ship

not being a passenger ship.

# ARTICLE 27.—FITTING OF RADIO INSTALLATION

1. All ships to which this chapter applies shall, unless exempted under Article 28, be fitted with a radiotelegraph installation complying with the provisions of Article 31, as follows:

(a) All passenger ships, irrespective of size.

(b) All cargo ships of 1,600 tons gross tonnage and upwards.

2. Each Administration may delay the application of the provisions of paragraph 1 (b) to cargo ships belonging to its country of less than 2,000 tons gross tonnage for a period not exceeding five years from the date of the coming into force of the present Convention.

# ARTICLE 28.—Exemptions from the Requirements of Article 27

1. Each Administration may, if it considers that the route and the conditions of the voyage are such as to render a radiotelegraph installation unreasonable or unnecessary, exempt ships belonging to its country from the requirements of Article 27 as follows:

I.—Passenger Ships.

(a) Individual passenger ships or classes of passenger ships which, in the course of their voyage, do not go more than—
(i) 20 miles from the nearest land;

or

(ii) 200 miles in the open sea between two consecutive ports.(b) Passenger ships which make voyages entirely within the restricted areas specified in the Annex to this article.

II.—Cargo Ships.

Individual cargo ships or classes of cargo ships which, in the course of their voyage, do not go more than 150 miles from the nearest land.

2. Each Administration may, in addition, exempt ships belonging

to its country of the following classes:

I.—Barges in tow and existing sailing ships.

An existing sailing ship is one the keel of which is laid before

the 1st July, 1931.

II.—Ships of primitive build, such as dhows, junks, &c., if it is practically impossible to fit them with a radiotelegraph installation.

III.—Ships which are not normally engaged on international voyages, but which in exceptional circumstances are required to undertake a single voyage of that kind.

#### ANNEX TO ARTICLE 28

1. The Baltic Sea and approaches thereto East of a line drawn from Utsire (Norway) in the North to Texel (Netherlands) in the South, outside the territorial jurisdiction of the Union of Socialist Soviet Republics.

2. The portions of the Gulf of Tartary and the Sea of Okhotsk covered in voyages between ports Hokkaido and ports in Japanese

Sakhalin.

3. The Chosen (Tyosen) Strait between a line in the North drawn from Kawajiri Misaki (Cape Natsungu) to Fusan, and a line in the South drawn from Nagasaki to Giffard Island (off the South-West point of Quelpart Island) and thence to Tin To (Amherst Island).

4. The Yellow Sea North of Parallel 37° North.

5. The Formosa Strait between a line in the North drawn from Fuki Kaku (Syauki Point) to Foochow and a line in the South drawn from South Cape (the South point of Formosa) to Hong Kong.

6. The area within the following limits:

Parallel 10° N. from long. 94° E. to the coast of Asia, coast of Asia to Saigon (Cape Tiwan), straight lines between Cape Tiwan, lat. 4°30′ N. long. 110° E., south point of Palawan Island. Palmas (Miangas) Island, lat. 0° long. 140° E., lat 0° long. 148° E., lat. 10° S. long. 148° E., Cape York, north coast of Australia from Cape York to Port Darwin (Cape Charles), straight lines between Cape Charles, Ashmore Reef (East Island), lat. 10° S. long. 109° E., Christmas Island, lat 2° N. long. 94° E., lat. 10° N. long. 94° E., outside the

territorial jurisdiction of Australia and of the United States of America.

7. The Caribbean Sea, outside the territorial jurisdiction of the United States of America, in relation to voyages made by sailing ships only.

8. The area of the South Pacific Ocean bounded by the Equator. Meridian 130° W., Parallel 34° S., and the coast of Australia, outside

the territorial jurisdiction of Australia.

9. The Tong King Gulf and portions of the China Sea lying to the West of a line drawn from Hong Kong to Lat. 17° N., Long. 110° E., thence due South to Latitude 10° N., and thence West to Saigon.

10. The portions of the Indian Ocean covered in voyages between

ports in Madagascar, Reunion, and the Mauritius Islands.

11. The portions of the North Atlantic Ocean and Mediterranean Sea covered in voyages between Casablanca (Morocco) and Oran (Algeria) and intermediate ports.

#### ARTICLE 29.—WATCHES

1. Passenger Ships.

Each passenger ship which, in accordance with Article 27, is required to be fitted with a radiotelegraph installation, shall, for safety purposes, carry a qualified operator, and, if not fitted with an autoalarm, shall, whilst at sea, keep watches by means of a qualified operator or a certified watcher, as under:

(a) All passenger ships under 3,000 tons gross tonnage, as deter-

mined by the Administration concerned;

(b) All passenger ships of 3,000 tons gross tonnage and over, con-

tinuous watch.

Each Administration is authorized to exempt passenger ships belonging to its country from 3,000 to 5,500 tons gross tonnage, both included, from the requirement of a continuous watch for a period not exceeding one year from the date of the coming into force of the present Convention, provided that during the period of such exemption they shall maintain a watch of at least 8 hours per day.

2. Cargo Ships.

Each cargo ship which, in accordance with Article 27, is required to be fitted with a radiotelegraph installation, shall, for safety purposes, carry a qualified operator, and, if not fitted with an autoalarm, shall, whilst at sea, keep watches by means of a qualified operator or a certified watcher, as under:

(a) All cargo ships under 3,000 tons gross tonnage, as determined

by the Administration concerned;

(b) Cargo ships from 3,000 to 5,500 tons gross tonnage, both in-

cluded, at least 8 hours' watch per day;

(c) Cargo ships over 5,500 tons gross tonnage, continuous watch. Each Administration is authorized to exempt ships belonging to its country included in (c) above from the requirement of a continuous watch for a period not exceeding one year from the date of the coming into force of the present Convention, provided that during the period of such exemption they shall maintain a watch of at least 8 hours per day.

Each Administration is also authorised to exempt ships belonging to its country from 5,500 tons to 8,000 tons gross tonnage from the requirement of a continuous watch for a further period of one year, provided that during this further period of exemption they shall maintain a watch of at least 16 hours per day.

3. On all ships fitted with an auto-alarm this auto-alarm shall. whilst the ship is at sea, always be in operation when the operator

or watcher is not on watch.

On ships for which the hours of watch are to be determined by the Administration concerned, such watch should be maintained preferably at hours prescribed for radiotelegraph service by the International Radiotelegraph Convention in force.

On ships which are required to keep 8 hours' or 16 hours' watch per day, such watch shall be maintained at the hours prescribed for radiotelegraph service by the International Radiotelegraph Conven-

tion in force.

4. By auto-alarm is meant an automatic alarm receiver which complies with the requirements of Article 19, § 21, of the General Regulations annexed to the International Radiotelegraph Convention, 1927.

5. By qualified operator is meant a person holding a certificate complying with the provisions of the General Regulations annexed to the International Radiotelegraph Convention in force.

6. By certified watcher is meant any person holding a watcher's certificate issued under the authority of the Administration.

#### Article 30.—Watchers

1. A watcher's certificate shall not be granted by a Contracting Government unless the applicant proves that he is capable—

(a) of receiving and understanding the alarm, distress, safety, and urgency signals when these signals occur among a series of other

(b) of correct reception by ear of code groups (mixed letters, figures, and punctuation marks) at a speed of sixteen groups per minute, each group being composed of five characters and each figure or punctuation mark counting as two characters;

(c) of regulating the receivers used in the ship's radiotelegraph

installation.

2. The Contracting Governments undertake to take steps to ensure that certified watchers observe the secrecy of correspondence.

# ARTICLE 31.—TECHNICAL REQUIREMENTS

The radiotelegraph installations required by Article 27 above and the direction-finding apparatus required by Article 47 shall comply

with the following requirements:

1. The ship's station must be placed in accordance with the detailed Regulations of the Government of the country to which the ship belongs, in the upper part of the ship in a position of the greatest possible safety, as high as practicable above the deepest load water line.

2. There shall be provided, between the bridge of the ship and the wireless telegraph room, means of communication either by voice pipe or by telephone or in some manner equally efficient.

3. A reliable clock with a seconds hand must be provided in the

wireless telegraph room.

4. A reliable emergency light must be provided in the wireless

telegraph room.

5. The installation shall comprise a main installation and an emergency (reserve) installation. If, however, the main installation complies with all the requirements of an emergency (reserve) in-

stallation the latter is not then obligatory.

6. The main and emergency (reserve) installations must be capable of transmitting and receiving on the frequencies (wave lengths) and types of waves assigned by the International Radiotelegraph Convention in force for the purpose of distress and safety of navigation to ships compulsorily fitted with radiotelegraph installations in accordance with the present Convention.

7. The main and emergency (reserve) transmitters shall have a

note frequency of at least 100.

8. The main transmitter shall have a normal range of 100 nautical miles, that is to say, it must be capable of transmitting clearly perceptible signals from ship to ship over a range of at least 100 nautical miles by day under normal conditions and circumstances, the receiver being assumed to be one employing a rectifier of the crystal type without amplification.<sup>4</sup>

9. Sufficient power must be available in a ship station at all times to operate the main radiotelegraph installation efficiently under nor-

mal conditions over the above range.

10. All parts of the emergency (reserve) installation shall be placed in the upper part of the ship, in a position of the greatest possible safety, as high above the deepest load water line as practicable. The emergency (reserve) installation must be provided with a source of energy independent of the propelling power of the ship and of the main electricity system and must be capable of being put into operation rapidly and of working for at least six continuous hours.

For the emergency (reserve) installation, the normal range as defined in paragraph 8 above must be at least 80 nautical miles for ships required to maintain a continuous watch and at least 50 nautical

miles for all other ships.4

11. The receiving installation must permit of the reception of such of the waves used for the transmission of time signals and meteorological messages as may be considered necessary by the Administration.

12. The receiver must be so arranged as to be capable of maintaining reception by means of a rectifier of the crystal type.

<sup>&</sup>lt;sup>4</sup>Unless a more precise and practical method is available to determine the range of transmitters it is recommended that as a guide, the following relations between the range in nautical miles (from ship to ship under normal conditions in daytime) and the power of the ship transmitter in metre ampères for 500 kilocycles per second (600 m) be used:

 $<sup>\</sup>begin{array}{cccc} 100 \text{ nautical miles} & 60 \text{ M A} \\ 80 \text{ nautical miles} & 45 \text{ M A} \\ 50 \text{ nautical miles} & 25 \text{ M A} \end{array}$ 

M being the actual height in metres of the aerial from its highest point to the load line. A being the current in ampères measured at the base of the aerial in case of B, or fully modulated A 2, transmitters.

13. In ships in which watch is kept by means of an automatic alarm receiver a means of giving audible warning shall be provided in the wireless telegraph room, in the wireless operator's cabin, and on the bridge, which shall operate continuously after the receiver has been operated by the alarm signal or distress call until stopped. Only one switch for stopping the warning shall be provided and this shall be situated in the wireless telegraph room.

14. In such ships the wireless operator, when going off watch, shall connect the automatic alarm receiver to the aerial and test its efficiency. He shall report to the master or the officer on watch on the

bridge whether it is in working order.

15. Whilst the ship is at sea the emergency source of power shall be maintained at its full efficiency and the automatic alarm receiver shall be tested at least once every 24 hours. A statement that both these requirements have been fulfilled must be inserted in the ship's

official log daily.

16. A wireless log shall be carried by every ship compulsorily equipped with wireless transmitting apparatus. This document shall be kept in the wireless telegraph room, and in it shall be inserted the names of the operators and watchers as well as all incidents and occurrences connected with the wireless service which may appear to be of importance to safety of life at sea, and in particular all distress messages and distress traffic in full.

• 17. The direction-finding apparatus required by Article 47 shall be efficient and capable of receiving clearly perceptible signals and of taking bearings from which the true bearing and direction may be determined. It shall be capable of receiving signals on the frequencies prescribed for distress, direction finding and wireless telegraph beacons by the International Radiotelegraph Convention in force.

Efficient communication shall be provided between the apparatus and the bridge.

# ARTICLE 32.—COMPETENCE

The matters governed by the International Radiotelegraph Convention, Washington, 1927, and the regulations annexed thereto remain, and will continue, subject to the provisions:

(1) Of that convention and of the regulations annexed thereto, and of any convention and regulations which may in the future be

substituted therefor;

(2) Of the present Convention in regard to all the points in which it supplements the aforementioned documents.

## ARTICLE 33.—APPLICATION

The provisions of this chapter referring to ships, unless otherwise expressly provided, apply to all ships on all voyages.

#### ARTICLE 34.—DANGER MESSAGES

The master of every ship which meets with dangerous ice, a dangerous derelict, a dangerous tropical storm or any other direct danger to navigation is bound to communicate the information, by all the means of communication at his disposal, to the ships in the vicinity, and also to the competent authorities at the first point of the coast with which he can communicate. It is desirable that the said information be sent in the manner as set out in Regulation XLVI.

Each Administration will take all steps which it thinks necessary to ensure that when intelligence of any of the dangers specified in the previous paragraph is received, it will be promptly brought to the knowledge of those concerned and communicated to other Administrations interested.

The transmission of messages respecting the dangers specified is

free of cost to the ships concerned.

## ARTICLE 35.—METEOROLOGICAL SERVICES

The Contracting Governors undertake to encourage the collection of meteorological data by ships at sea, and to arrange for their examination, dissemination and exchange in the manner most suitable for the purpose of aiding navigation.

In particular, the Contracting Governments undertake to cooperate in carrying out, as far as practicable, the following meteorological

arrangements:

(a) to warn ships of gales, storms and tropical storms, both by the issue of wireless messages and by the display of appropriate signals at coastal points;

(b) to issue daily, by radio, weather bulletins suitable for shipping,

containing data of existing weather conditions and forecasts;

(c) to arrange for certain selected ships to take meteorological observations at specified hours, and to transmit such observations by wireless telegraphy for the benefit of other ships and of the various official meteorological services; and to provide coast stations for the reception of the messages transmitted;

(d) to encourage all ship-masters to inform surrounding ships whenever they experience wind force of 10 or above on the Beaufort

scale (force 8 or above on the decimal scale.)

The information provided for in paragraphs (a) and (b) of this article will be furnished in form for transmission in accordance with Article 31, §§ 1, 3 and 5, and Article 19, § 25, of the General Regulations annexed to the International Radiotelegraph Convention, Washington, 1927, and during transmission "to all stations" of meteorological information, forecasts and warnings, all ship stations must conform to the provisions of Article 31, § 2, of those General Regulations.

Weather observations from ships addressed to national meteorological services will be transmitted with the priority specified in Article 3, Additional Regulations, International Radiotelegraph Con-

vention, Washington, 1927.

Forecasts, warnings, synoptic and other meteorological reports intended for ships shall be issued and disseminated by the national service in the best position to serve various zones and areas, in accordance with mutual arrangements made by the countries concerned.

Every endeavour will be made to obtain a uniform procedure in regard to the international meteorological services specified in this article, and, as far as is practicable, to conform to the recommendations made by the International Meteorological Organization, to which organization the Contracting Governments may refer for study and advice any meteorological questions which may arise in carrying out the present Convention.

## ARTICLE 36.—ICE PATROL—DERELICTS

The Contracting Governments undertake to continue a service of ice patrol and a service for study and observation of ice conditions in the North Atlantic. Further, they undertake to take all practicable steps to ensure the destruction or removal of derelicts in the northern part of the Atlantic Ocean east of the line drawn from Cape Sable to a point in latitude 34° N. longitude 70° W. if this

destruction or removal is considered necessary at the time.

The Contracting Governments undertake to provide not more than three vessels for these three services. During the whole of the ice season they shall be employed in guarding the south-eastern, southern and south-western limits of the regions of icebergs in the vicinity of the Great Bank of Newfoundland for the purpose of informing trans-Atlantic and other passing vessels of the extent of this dangerous region; for the observation and study of ice conditions in general; for the destruction or removal of derelicts; and for the purpose of affording assistance to vessels and crews requiring aid within the limits of operation of the patrol vessels.

During the rest of the year the study and observation of ice conditions shall be maintained as advisable, and one vessel shall always be available for the search for, and destruction or removal of derelicts.

## ARTICLE 37.—ICE PATROL—MANAGEMENT AND COST

The Government of the United States is invited to continue the management of these services of ice patrol, study and observation of ice conditions, and derelict destruction and removal. The Contracting Governments specially interested in these services, whose names are given below, undertake to contribute to the expense of maintaining and operating these services in the following proportions:

$P\epsilon$	eroent
Belgium	2
Canada	3
Denmark	2
France	6
Germany	10
Great Britain and Northern Ireland	40
Italy	6
Japan	1
Netherlands	5
Norway	3
Spain	1
Sweden	2
Union of Socialist Soviet Republics	1
United States of America	18

Each of the Contracting Governments has the right to discontinue its contribution to the expense of maintaining and operating these services after the 1st September, 1932. Nevertheless, the Contracting Government which avails itself of this right will continue responsible for the expense of working up to the 1st September following the date of giving notice of intention to discontinue its contribution. To take advantage of the said right it must give notice to the other Contracting Governments at least six months before the said 1st September; so that, to be free from this obligation on the 1st September, 1932, it must give notice on the 1st March, 1932, at the latest and similarly for each subsequent year.

If, at any time, the United States Government should not desire to continue these services, or if one of the Contracting Governments should express a wish to relinquish responsibility for the pecuniary contribution defined above, or to have its percentage of obligation altered, the Contracting Governments shall settle the question in

accordance with their mutual interests.

The Contracting Governments which contribute to the cost of the three above-mentioned services shall have the right by common consent to make from time to time such alterations in the provisions of this article and of Article 36 as appear desirable.

#### ARTICLE 38.—SPEED NEAR ICE

When ice is reported on, or near, his course, the master of every ship at night is bound to proceed at a moderate speed or to alter his course so as to go well clear of the danger zone.

#### ARTICLE 39.—NORTH ATLANTIC ROUTES

The practice of following recognized routes across the North Atlantic in both directions has contributed to safety of life at sea, but the working of these routes should be further investigated and studied with a view to the introduction of such variations as experi-

ence may show to be necessary.

The selection of the routes and the initiation of action with regard to them is left to the responsibility of the steamship companies concerned. The Contracting Governments will assist the companies, when requested to do so, by placing at their disposal any information bearing on the routes which may be in the possession of the Governments.

The Contracting Governments undertake to impose on the companies the obligation to give public notice of the regular routes which they propose their vessels should follow, and of any changes made in these routes; they will also use their influence to induce the owners of all vessels crossing the Atlantic to follow, so far as circumstances will permit, the recognised routes, and to induce the owners of all vessels crossing the Atlantic bound to or from ports of the United States via the vicinity of the Great Bank of Newfoundland to avoid, as far as practicable, the fishing banks of Newfoundland north of latitude 43° N. during the fishing season, and to pass outside regions known or believed to be endangered by ice.

The Administration managing the ice patrol service is requested to report to the Administration concerned any ship which is observed not to be on any regular, recognised or advertised route, or which crosses the above-mentioned fishing banks during the fishing season, or which, when proceeding to or from ports of the United States, passes through regions known or believed to be endangered by ice.

#### ARTICLE 40.—Collision Regulations

The Contracting Governments agree that the alterations in the International Regulations for Preventing Collisions at Sea shown in Annex II are desirable and ought to be made. The Government of the United Kingdom of Great Britain and Northern Ireland is requested to forward full particulars of the alterations to the other Governments who have accepted the International Regulations for Preventing Collisions at Sea, and ascertain whether they will adopt these alterations; to report the result to the Governments represented at this Conference, and to endeavour to arrange that the revised regulations shall come in force on the 1st July, 1931.

#### ARTICLE 41.—HELM ORDERS

The Contracting Governments agree that after midnight on the 30th June, 1931, helm of steering orders, i. e., orders to the steersman, shall on all their ships be given in the direct sense, e. g., when the ship is going ahead an order continuing the word "starboard" or "right" or any equivalent of "starboard" or "right" shall only be used when it is intended, on ships as at present generally constructed and arranged, that the wheel, the rudder-blade, and the head of the ship shall all move to the right.

#### ARTICLE 42.—MISUSE OF DISTRESS SIGNALS

The use of an international distress signal, except for the purpose of indicating that a vessel is in distress, and the use of any signal which may be confused with an international distress signal, are prohibited on every ship.

# ARTICLE 43.—ALARM, DISTRESS, AND URGENCY SIGNALS

The alarm signal and the distress signal may only be used by ships in serious and imminent danger which require immediate assistance. In all other cases in which assistance is required, or in which a vessel desires to issue a warning that it may become necessary to send out the alarm signal or the distress signal at a later stage, use must be made of the urgency signal (XXX) established by the International Radiotelegraph Convention, Washington, 1927.

If a ship has sent out the alarm or distress signal and subsequently finds that assistance is no longer required such ship shall immediately notify all stations concerned as provided for by the Radiotelegraph

Convention in force.

# ARTICLE 44.—Speed of Distress Messages

The speed of transmission of messages in connection with cases of distress, urgency, or safety, shall not exceed 16 words per minute.

# ARTICLE 45.—DISTRESS MESSAGES—PROCEDURE

1. The master of a ship on receiving on his ship a wireless distress signal from any other ship, is bound to proceed with all speed to the assistance of the persons in distress, unless he is unable, or in the

special circumstances of the case, considers it unreasonable or unnecessary to do so, or unless he is released under the provisions of para-

graphs 3 and 4 of this article.

2. The master of a ship in distress, after consultation, so far as may be possible, with the masters of the ships which answer his call for assistance, has the right to requisition such one or more of those ships as he considers best able to render assistance, and it shall be the duty of the master or masters of the ship or ships requisitioned to comply with the requisition by continuing to proceed with all speed to the assistance of the persons in distress.

3. A master shall be released from the obligation imposed by paragraph 1 of this article as soon as he is informed by the master of the ship requisitioned, or, where more ships than one are requisitioned, all the masters of the ships requisitioned, that he or they are

complying with the requisition.

4. A master shall be released from the obligation imposed by paragraph 1 of this article, and, if his ship has been requisitioned, from the obligation imposed by paragraph 2 of this article, if he is informed by a ship which has reached the persons in distress, that

assistance is no longer necessary.

5. If a master of a ship, on receiving a wireless distress call from another ship, is unable, or in the special circumstances of the case considers it unreasonable or unnecessary to go to the assistance of that other ship, he must immediately inform the master of that other ship accordingly, and enter in his log book his reasons for failing to proceed to the assistance of the persons in distress.

6. The provisions of this article do not prejudice the International Convention for the unification of certain rules with respect to Assistance and Salvage at Sea, signed at Brussels on the 23rd September, 1910, particularly the obligation to render assistance imposed by

Article 11 of that convention.

## ARTICLE 46.—SIGNALLING LAMPS

All ships of over 150 tons gross tonnage, when engaged on international voyages, shall have on board an efficient signalling lamp.

# ARTICLE 47.—DIRECTION-FINDING APPARATUS

Every passenger ship of 5,000 tons gross tonnage and upwards shall, within two years from the date on which the present Convention comes in force, be provided with an approved direction-finding apparatus (radio compass), complying with the provisions of Article 31 (17) of the present Convention.

## ARTICLE 48.—MANNING

The Contracting Governments undertake, each for its national ships, to maintain, or, if it is necessary, to adopt, measures for the purpose of ensuring that, from the point of view of safety of life at sea, all ships shall be sufficiently and efficiently manned.

#### ARTICLE 49.—ISSUE OF CERTIFICATES

A certificate called a Safety Certificate shall be issued, after inspection and survey, to every passenger ship which complies in an efficient manner with the requirements of Chapters II, III, and IV of the Convention.

A certificate called a Safety Radiotelegraphy Certificate shall be issued after inspection to every ship other than a passenger ship which complies in an efficient manner with the requirements of Chapter IV of the present Convention.

A certificate called an *Exemption Certificate* shall be issued to every ship to which exemption is granted by a Contracting Government under, and in accordance with, the provisions of Chapters II, III,

and IV of the present Convention.

The inspection and survey of ships, so far as regards the enforcement of the provisions of the present Convention and the annexed Regulations applicable to such ships and the granting of exemptions therefrom, shall be carried out by officers of the country in which the ship is registered, provided that the Government of each country may entrust the inspection and survey of its ships either to Surveyors nominated for this purpose or to organisations recognised by it. In every case the Government concerned fully guarantees the completeness and efficiency of the inspection and survey.

A Safety Certificate, Safety Radiotelegraphy Certificate, and Exemption Certificate shall be issued either by the Government of the country in which the ship is registered or by any person or organisation duly authorised by that Government. In every case that Gov-

ernment assumes full responsibility for the certificate.

## ARTICLE 50.—ISSUE OF CERTIFICATE BY ANOTHER GOVERNMENT

A Contracting Government may, at the request of the Government of a country in which a ship coming under the present Convention is registered, cause that ship to be surveyed, and, if satisfied that the requirements of the present Convention are complied with, issue a Safety Certificate or Safety Radiotelegraphy Certificate to such ship, under its own responsibility. Any certificate so issued must contain a statement to the effect that it has been issued at the request of the Government of the country in which the ship is registered, and it shall have the same force and receive the same recognition as a certificate issued under Article 49 of the present Convention.

#### ARTICLE 51.—FORM OF CERTIFICATES

All certificates shall be drawn up in the official language or languages

of the country by which they are issued.

The form of the certificates shall be that of the models given in Regulation XLVII. The arrangement of the printed part of the standard certificates shall be exactly reproduced in the certificates issued, or in certified copies thereof, and the particulars inserted by hand shall in the certificates issued, or in certified copies thereof, be inserted in Roman characters and Arabic figures.

The Contracting Governments undertake to communicate one to another a sufficient number of specimens of their certificates for the information of their officers. This exchange shall be made, so far as possible, before the 1st January, 1932.

#### ARTICLE 52.—DURATION OF CERTIFICATES

Certificates shall not be issued for a period of more than twelve

If a ship at the time when its certificate expires is not in a port of the country in which it is registered the certificate may be extended by a duly authorised officer of the country to which the ship belongs; but such extension shall be granted only for the purpose of allowing the ship to complete its return voyage to its own country, and then only in cases in which it appears proper and reasonable so to do.

No certificate shall be extended for a longer period than five months,

No certificate shall be extended for a longer period than five months, and a ship to which such extension is granted shall not, on returning to its own country, be entitled by virtue of such extension to leave that

country again without having obtained a new certificate.

#### ARTICLE 53.—ACCEPTANCE OF CERTIFICATES

Certificates issued under the authority of a Contracting Government shall be accepted by the other Contracting Governments for all purposes covered by the present Convention. They shall be regarded by the other Contracting Governments as having the same force as the certificates issued by them to their own ships.

## ARTICLE 54.—CONTROL

Every ship holding a certificate issued under Article 49 or Article 50 is subject, in the ports of the other Contracting Governments, to control by officers duly authorised by such Governments in so far as this control is directed towards verifying that there is on board a valid certificate, and if necessary, that the conditions of the vessel's seaworthiness correspond substantially with the particulars of that certificate; that is to say, so that the ship can proceed to sea without danger to the passengers and the crew.

In the event of this control giving rise to intervention of any kind, the officer carrying out the control shall forthwith inform the Consul of the country in which the ship is registered of all the circumstances

in which intervention is deemed to be necessary.

# ARTICLE 55.—PRIVILEGES

The privileges of the present Convention may not be claimed in favour of any ship unless it holds a proper valid certificate.

# ARTICLE 56.—QUALIFICATION OF CERTIFICATE

If in the course of a particular voyage the ship has on board a number of crew and passengers less than the maximum number which the ship is licensed to carry, and is in consequence, in accordance with the

provisions of the present Convention, free to carry a smaller number of lifeboats and other life-saving appliances than that stated in the certificate, a memorandum may be issued by the officers or other

authorised persons referred to in Articles 49 and 52 above.

This memorandum shall state that in the circumstances there is no infringement of the provisions of the present Convention. It shall be annexed to the certificate and shall be substituted for it in so far as the life-saving appliances are concerned. It shall be valid only for the particular voyage in regard to which it is issued.

## ARTICLE 57.—EQUIVALENTS

Where in the present Convention it is provided that a particular fitting, appliance or apparatus, or type thereof, shall be fitted or carried in a ship, or that any particular arrangement shall be adopted, any Administration may accept in substitution therefor any other fitting, appliance or apparatus, or type thereof, or any other arrangement, provided that such Administration shall have been satisfied by suitable trials that the fitting, appliance or apparatus, or type thereof, or the arrangement substituted is at least as effective as that specified in the present Convention.

Any Administration which so accepts a new fitting, appliance or apparatus, or type thereof, or new arrangement, shall communicate the fact to the other Administrations, and, upon request, the particu-

lars thereof, together with a report on the trials made.

# ARTICLE 58.—LAWS, REGULATIONS, REPORTS

The Contracting Governments undertake to communicate to each

(1) the text of laws, decrees and regulations which shall have been promulgated on the various matters within the scope of the present

Convention;

(2) all available official reports or official summaries of reports in so far as they show the results of the provisions of the present Convention, provided always that such reports or summaries are not of a confidential nature.

The Government of the United Kingdom of Great Britain and Northern Ireland is invited to serve as an intermediary for collecting all this information and for bringing it to the knowledge of the other Contracting Governments.

## ARTICLE 59.—MEASURES TAKEN AFTER AGREEMENT

Where the present Convention provides that a measure may be taken after agreement between all or some of the Contracting Governments, the Government of the United Kingdom of Great Britain and Northern Ireland is invited to approach the other Contracting Governments with a view to ascertaining whether they accept such proposals as may be made by any Contracting Government for effecting such a measure, and to inform the other Contracting Governments of the results of the enquiries thus made.

## ARTICLE 60.—PRIOR TREATIES AND CONVENTIONS

1. The present Convention replaces and abrogates the Convention for the Safety of Life at Sea, which was signed at London on the

20th, January 1914.

2. All other treaties, conventions and arrangements relating to safety of life at sea, or matters appertaining thereto, at present in force between Governments, parties to the present Convention, shall continue to have full and complete effect during the terms thereof as regards—

(a) ships to which the present Convention does not apply;

(b) ships to which the present Convention applies, in respect of

subjects for which it has not expressly provided.

To the extent, however, that such treaties, conventions, or arrangements conflict with the provisions of the present Convention, the provisions of the present Convention shall prevail.

3. All subjects which are not expressly provided for in the present Convention remain subject to the legislation of the Contracting

Governments.

#### ARTICLE 61.—MODIFICATIONS—FUTURE CONFERENCES

1. Modifications of the present Convention which may be deemed useful or necessary improvements may be at any time proposed by any Contracting Government to the Government of the United Kingdom of Great Britain and Northern Ireland, and such proposals shall be communicated by the latter to all the other Contracting Governments, and if any such modifications are accepted by all the Contracting Governments (including Governments which have deposited ratifications or accessions which have not yet become effective) the present Convention shall be modified accordingly.

2. Conferences for the purpose of revising the present Convention shall be held at such times and places as may be agreed upon by the

Contracting Governments.

A Conference for this purpose shall be convoked by the Government of the United Kingdom of Great Britain and Northern Ireland whenever, after the present Convention has been in force for five years, one-third of the Contracting Governments express a desire to that effect.

# ARTICLE 62.—APPLICATION TO COLONIES, ETC.

1. A Contracting Government may, at the time of signature, ratification, accession, or thereafter, by a declaration in writing addressed to the Government of the United Kingdom of Great Britain and Northern Ireland, declare its desire that the present Convention shall apply to all or any of its colonies, overseas territories, protectorates, or territories under suzerainty or mandate, and the present Convention shall apply to all the territories named in such declaration, two months after the date of the receipt thereof, but failing such declaration, the present Convention will not apply to any such territories.

2. A Contracting Government may at any time by a notification in writing addressed to the Government of the United Kingdom of Great Britain and Northern Ireland express its desire that the present

Convention shall cease to apply to all or any of its colonies, overseas territories, protectorates, or territories under suzerainty or mandate to which the present Convention shall have, under the provisions of the preceding paragraph, been applicable for a period of not less than five years, and in such case the present Convention shall cease to apply one year after the date of the receipt of such notification by the Government of the United Kingdom of Great Britain and Northern Ireland to all territories mentioned therein.

3. The Government of the United Kingdom of Great Britain and Northern Ireland shall inform all the other Contracting Governments of the application of the present Convention to any colony, overseas territory, protectorate, or territory under suzerainty or mandate under the provisions of paragraph 1 of this article, and of the cessation of any such application under the provisions of paragraph 2, stating in each case the date from which the present Convention has become or will cease to be applicable.

#### ARTICLE 63.—AUTHENTIC TEXTS—RATIFICATION

The present Convention of which both the English and French texts shall be authentic shall bear this day's date.

The present Convention shall be ratified.

The instruments of ratification shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland which will notify all the other signatory or acceding Governments of all ratifications deposited and the date of their deposit.

#### ARTICLE 64.—ACCESSION

A Government (other than the Government of a territory to which Article 62 applies) on behalf of which the present Convention has not been signed shall be allowed to accede thereto at any time after the Convention has come into force. Accessions may be effected by means of notifications in writing addressed to the Government of the United Kingdom of Great Britain and Northern Ireland, and shall take effect three months after their receipt.

The Government of the United Kingdom of Great Britain and Northern Ireland shall inform all signatory and acceding Governments of all accessions received and of the date of their receipt.

A Government which intends to accede to the present Convention but desires to add an area to those specified in the Annex to Article 28 shall, before notifying its accession, inform the Government of the United Kingdom of Great Britain and Northern Ireland of its desire for communication to all the other Contracting Governments. If all the Contracting Governments signify their assent thereto, the area shall be added to those mentioned in the aforesaid Annex when such Government notifies its accession.

#### ARTICLE 65.—DATE OF COMING IN FORCE

The present Convention shall come into force on the 1st July, 1931 as between the Governments which have deposited their ratifications by that date, and provided that at least five ratifications have been deposited with the Government of the United Kingdom of Great

Britain and Northern Ireland. Should five ratifications not have been deposited on that date, the present Convention shall come into force three months after the date on which the fifth ratification is deposited. Ratifications deposited after the date on which the present Convention has come into force shall take effect three months after the date of their deposit.

#### ARTICLE 66.—DENUNCIATION

The present Convention may be denounced on behalf of any Contracting Government at any time after the expiration of five years from the date on which the Convention comes into force in so far as that Government is concerned. Denunciation shall be effected by a notification in writing addressed to the Government of the United Kingdom of Great Britain and Northern Ireland, which will notify all the other Contracting Governments of all denunciations received and of the date of their receipt.

A denunciation shall take effect twelve months after the date on which notification thereof is received by the Government of the

United Kingdom of Great Britain and Northern Ireland.

In faith whereof, the plenipotentiaries have signed hereafter.

Done at London this thirty-first day of May, 1929, in a single copy, which shall remain deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, which shall transmit certified true copies thereof to all signatory Governments.

Ratification deposited, London, England, August 7, 1936.

RESERVATIONS OF THE UNITED STATES IN CONNECTION WITH THE RATIFICATION OF THE 1929 CONVENTION FOR THE SAFETY OF LIFE AT SEA

Resolved (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the International Convention for Promoting Safety of Life at Sea, signed at London, May 31, 1929, subject to

the following understandings:

(1) That nothing in this convention shall be so construed as to authorize any person to hold any seaman, whether a citizen of the United States of America or an alien, on board any merchant vessel, domestic or foreign, against his will, in a safe harbor within the jurisdiction of the United States of America, when such seaman has been officially admitted thereto as a member of the erew of such vessel or to compel such seaman to proceed to sea on such vessel against his will;

(2) That nothing in this convention shall be so construed as to nullify or modify section 4 of the Seaman's Act approved March 4, 1915 (38 Stat. 1164), as interpreted by the Supreme Court of the United States in Strathearn v.

Dillon (252 U. S. 348); and

(3) That nothing in this convention shall be so construed as to prevent the officers of the United States of America who exercise the control over vessels provided for in article 54 from making such inspection of any vessel within the jurisdiction of the United States as may be necessary to determine that the condition of the vessel's seaworthiness corresponds substantially with the particulars set forth in its certificate; that the vessel is sufficiently and efficiently manned, and that it may proceed to sea without danger to either passengers or crew, or to prevent such officers from withholding clearance to any vessel which they find may not proceed to sea with safety, until such time as any such vessel shall be put in condition so that it can proceed to sea without danger to the passengers or crew.

#### List of Countries Which on October 1, 1939, had Ratified the International Convention for Safety of Life at Sea

Argentina.

Australia, Commonwealth of.

Belgium. Brazil.

Bulgaria.

Burma. Canada.

Chile.

China.

Danzig. Denmark.

Egypt. Eire.

Estonia. Finland.

France. French Indo-China.

Germany. Greece.

Hong Kong, Hungary.

Iceland.

Italian colonies of Libya, Eritea and Somaliland and Italian islands in the Aegeau.

Italy. Japan,

Japan, for Chosen.

Netherlands.

Netherlands East Indies.

New Zealand. Norway. Panama. Poland. Portugal. Roumania. Soviet Union.

Spain. Straits Settlements.

Sweden.

Taiwan, and leased territory of Kwan-

tung. United Kingdom.

United States of America.

Note—The ratification of this treaty by the United States was deposited in London, England, on August 7, 1936, but to date no enabling legislation to put in effect the provisions of the treaty has been enacted, except the amendments to the Communication Act of 1934, which appear in Appendix.

## Chapter VI.—PORTS OF DOCUMENTATION

Customs Ports Authorized to Issue Marine Documents 1

Marine documents may issue from the following-named ports:

#### ATLANTIC AND GULF COASTS

MAINE AND NEW HAMP-FLORIDA (18)—Contd. PHILADELPHIA (11): \*Philadelphia. SHIRE (1): St. Augustine. Eastport. Wilmington. Miami. Calais. Key West. Jonesport. MARYLAND (13): \*Tampa. Bangor. \*Baltimore. Apalachicola. Bar Harbor. Pensacola. Annapolis. Belfast. Crisfield. Rockland. Cambridge. MOBILE (19): Bath. Washington. \*Mobile. \*Portland. Biloxi. Portsmouth. VIRGINIA (14): Gulfport. Alexandria. See also Rivers. Massachusetts (4): Reedville. Gloucester. \*Newport News. Salem. NEW ORLEANS (20): \*Norfolk. \*Boston. \*New Orleans. Cape Charles. Provincetown. See also Rivers. New Bedford. NORTH CAROLINA (15): Fall River. Elizabeth City. Sabine (21):
\*Port Arthur. †Washington. RHODE ISLAND (5): Beaufort. Beaumont. \*Providence. \*Wilmington. Lake Charles, La. Newport. SOUTH CAROLINA (16): CONNECTICUT (6): GALVESTON (22): Georgetown. New London. \*Galveston. \*Charleston. Hartford. Houston. New Haven. Corpus Christi. GEORGIA (17):

\*Bridgeport. \*Savannah. NEW YORK (10): Brunswick. \*New York. Albany. FLORIDA (18): Newark. Fernandina. PUERTO RICO (49): \*San Juan.

VIRGIN ISLANDS:

\*St. Thomas.

Jacksonville.

Perth Amboy.

<sup>&</sup>lt;sup>1</sup> The grand divisions are printed in CAPITALS, the district names in SMALL CAPITALS, with the numbers enclosed in parentheses, and the ports in roman with asterisks (\*) to indicate the headquarters ports. Marine documents are not issued at the headquarters ports of Indianapolis and St. Albans, nor in the districts of Laredo (23), El Paso (24), Arizona (26), and Colorado (47).

†Marine documents may be issued at the port of Washington, N. C. Washington is a customs station, but not a port of washington.

fMarine documents may be issued at the port of Washington, N. C. Washington is a customs station, but not a port of entry.

A duplicate of each marine documant issued to a vessel, together with the surrendered original, if there is one, should be sent to the headquarters port for review. All duplicates, surrendered originals, and copies of lost originals must be forwarded from the headquarters port to the Director of the Bureau of Marine Inspection and Navigation at the end of each day.

A license may be renewed by endorsement by the collector at the headquarters port or by any deputy collector within that particular district, but a notice of such renewal, Form 1302, must be sent to the port at which the license was issued, and to the home port.

Additional ports will be designated as ports of documentation when this action is required by the exignated of the service.

#### WESTERN RIVERS

New Orleans (20): \*New Orleans. Baton Rouge. See also Gulf.

TENNESSEE (43):

\*Memphis.

Nashville.

Chattanooga.

Mobile (19):

\*Mobile.

See also Gulf.

Kentucky (42): \*Louisville.

St. Louis (45): \*St. Louis. Kansas City.

VERMONT (2): \*St. Albans. Burlington.

St. Lawrence (7):
Rouses Point.
\*Ogdensburg.
Cape Vincent.

ROCHESTER (8): Oswego. \*Rochester.

Buffalo (9): \*Buffalo.

San Diego (25): \*San Diego.

Los Angeles (27): \*Los Angeles. Port San Luis.

San Francisco (28): \*San Francisco-Oakland. Eureka. Омапа (46): \*Omaha.

Dakota (34): \*Pembina.

Montana and Idaho (33): \*Great Falls.

MINNESOTA (35):
\*Minneapolis.

DULUTH AND SUPERIOR (36):

\*Ďuluth. See also Lakes.

NORTHERN LAKES

Оню (41): Erie. \*Cleveland. Sandusky. Toledo. See also Rivers.

MICHIGAN (38):

\*Detroit.
Port Huron.
Sault Ste. Marie.

Muskegon.

PACIFIC COAST

Oregon (29): Marshfield. Astoria.

\*Portland.

Washington (30):
Tacoma.
\*Seattle.
Bellingham.
Port Townsend.

Port Angeles. Aberdeen. Wisconsin (37):
\*Milwaukee.
See also Lakes.

Chicago (39):

\*Chicago.
Peoria.
See also Lakes.

Indiana (40):
\*Indianapolis.
Evansville.

Оню (41): Cincinnati. See also Lakes.

PITTSBURGH (12):
\*Pittsburgh.

Снісадо (39): \*Chicago.

See also Rivers.

Wisconsin (37):

\*Milwaukee.

See also Rivers.

DULUTH AND SUPERIOR (36):

\*Duluth.

See also Rivers.

Alaska (31):
Ketchikan.
Hyder.
Wrangell.
Petersburg.
Eagle.
\*Juneau.
Sitka.
Skagway.
Cordova.

Hawaii (32):
\*Honolulu.

Fairbanks.

## Chapter VII.—DOCUMENTATION OF VESSELS

#### Definition of Vessel.

R. S. 3 (1 U. S. C. 3). The word "vessel" includes every description of water craft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

#### Vessels of the United States.

R. S. 4131 (46 U. S. C. 221). Vessels registered pursuant to law and no others, except such as shall be duly qualified according to law for carrying on the coasting or fishing trade, shall be deemed vessels of the United States, and entitled to the benefits and privileges appertaining to such vessels; but no such vessel shall enjoy such benefits and privileges longer than it shall continue to be wholly owned by a citizen or citizens of the United States or a corporation created under the laws of any of the States thereof, and be commanded by a citizen of the United States. And all the officers of vessels of the United States who shall have charge of a watch, including pilots, shall in all cases be citizens of the United States. (May 28, 1896, secs. 1, 3.) See also citizenship of officers, p. 168.

## Vessels Entitled to Registry.

R. S. 4132 (46 U. S. C. 11). Vessels built within the United States and belonging wholly to citizens thereof; and vessels which may be captured in war by citizens of the United States and lawfully condemned as prize, or which may be adjudged to be forfeited for a breach of the laws of the United States; and seagoing vessels, whether steam or sail, which have been certified by the Bureau of Marine Inspection and Navigation as safe to carry dry and perishable cargo, wherever built, which are to engage only in trade with foreign countries, with the Philippine Islands, the Islands of Guam, Tutuila, Wake, Midway, and Kingman Reef, being wholly owned by citizens of the United States or corporations organized and chartered under the laws of the United States, or of any State thereof, the president and managing directors of which shall be citizens of the United States, and no others, may be registered as directed in this title. Foreign-built vessels registered pursuant to this Act shall not engage in the coastwise trade: Provided, That a foreign-built yacht, pleasure boat, or vessel not used or intended to be used for trade admitted to American registry pursuant to this section shall not be exempt from the collection of ad valorem duty provided in section 37 of the Act approved August 5, 1909, entitled "An Act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes": Provided further, That such vessels so admitted under the provisions of this section may contract with the Postmaster General under the Act of March 3, 1891, entitled "An Act to provide for ocean mail service between the United States and foreign ports, and to promote commerce", so long as such vessel shall in all respects comply with the provisions and requirements of said

Act. (Aug. 24, 1912, sec. 5; Aug. 18, 1914, sec. 1; Sept. 21, 1922, sec. 321; June 30; 1932, sec. 501; May 27, 1936, sec. 1; May 24, 1938.)

Foreign-Built Vessels Admitted to American Registry.

JUNE 5, 1920, sec. 22 (46 U.S.C. 13). All foreign-built vessels admitted to American registry, owned on February 1, 1920, by persons citizens of the United States, and all foreign-built vessels owned by the United States at the time of the enactment of this Act, when sold and owned by persons citizens of the United States, may engage in the coastwise trade so long as they continue in such ownership, subject to the rules and regulations of such trade: Provided, That the board is authorized to issue permits for the carrying of passengers in foreign ships if it deems it necessary so to do, operating between the Territory of Hawaii and the Pacific Coast up to February 1, 1922.

NOTE.—Limited only to coastwise trade; vessels so registered may not engage in fisheries.

Provisional Certificate of Registry.

Mar. 4, 1915, sec. 1 (46 U.S.C. 12). Consular officers of the United States and such other persons 2 as may from time to time be designated by the President for the purpose are hereby authorized to issue provisional certificates of registry to vessels abroad which have been purchased by citizens of the United States, including corporations, as defined in section 4132, Revised Statutes, as amended by the

Panama Canal Act and the Act of August 18, 1914.

(a) Such a provisional certificate shall entitle the vessel to the privileges of a vessel of the United States in trade with foreign countries or with the Philippine Islands and the islands of Guam and Tutuila until the expiration of six months from its date or until ten days after the vessel's arrival at a port of the United States, whichever first happens, and no longer. On arrival at a port of the United States the vessel shall become subject to the laws relating to officers, inspection, and measurement, as amended by the Act of August 18, 1914.

(b) The Secretary of Commerce shall prescribe the conditions in accordance with which such provisional certificates shall be issued and the manner in which they shall be surrendered in exchange for

certificates of registry at ports of the United States.

(c) The form of such provisional certificate shall be prescribed by the Director of the Bureau of Marine Inspection and Navigation and shall include the name of the ship and of the master, time and place of purchase and names of purchasers, and the best particulars respecting her tonnage, build, description, and inspection or survey which the consular officer is able to obtain.

(d) Copies of such provisional certificates shall be forwarded as soon as practicable by the issuing officer to the Director of the Bureau of Marine Inspection and Navigation. (June 30, 1932, sec. 501;

May 27, 1936, sec. 1.)

Repaired Wrecks.

R. S. 4136 (46 U.S.C. 14). The Secretary of Commerce may issue a register or enrollment for any vessel wrecked on the coasts of the United States or her possessions or adjacent waters, when

<sup>&</sup>lt;sup>2</sup>The collector of customs of the Philippine Islands, the captains of the ports of Cristobal and Balboa, Canal Zone, and the Governor of Guam were designated by Executive Order of April 7, 1915.

purchased by a citizen or citizens of the United States and thereupon repaired in a shipyard in the United States or her possessions, if it shall be proved to the satisfaction of the Secretary of Commerce, if he deems it necessary, through a board of three appraisers appointed by him, that the said repairs put upon such vessel are equal to three times the appraised salved value of the vessel: Provided, That the expense of the appraisal herein provided for shall be borne by the owner of the vessel: Provided further, That if any of the material matters of fact sworn to or represented by the owner, or at his instance, to obtain the register of any vessel are not true, there shall be a forfeiture to the United States of the vessel in respect to which the oath shall have been made, together with tackle, apparel, and furniture thereof. (Feb. 24, 1915.)

#### Whaling Vessels.

R. S. 4339 (46 U. S. C. 280). All vessels which may clear with registers for the purpose of engaging in the whale fishery shall be deemed to have lawful and sufficient papers for such voyages, securing the privileges and rights of registered vessels, and the privileges and exemptions of vessels enrolled and licensed for the fisheries. See R. S. 4391, p. 196.

#### Enrolled and Licensed Vessels on the Coasts and Rivers.

R. S. 4311 (46 U.S. C. 251). Vessels of twenty tons and upward enrolled in pursuance of this Title [R.S. 4311 to 4390; 46 U.S. C. 251 to 336], and having a license in force, or vessels of less than twenty tons, which, although not enrolled, have a license in force, as required by this Title, and no others, shall be deemed vessels of the United States entitled to the privileges of vessels employed in the coasting trade or fisheries. See R.S. 4361. (Sec. 9, Shipping Act, 1916, as amended, p. 133; and Sec. 27, Merchant Marine Act, 1920, p. 265.)

# Enrolled and Licensed Vessels on the Northern Frontiers, Otherwise Than by Sea.

R. S. 4318 (46 U.S.C. 258). Any vessel of the United States, navigating the waters of the northern, northeastern, and northwestern frontiers, otherwise than by sea, shall be enrolled and licensed in such form as other vessels; such enrollment and license shall authorize any such vessel to be employed either in the coasting or foreign trade on such frontiers and no certificate of registry shall be required for vessels so employed. Such vessel shall be, in every other respect, liable to the regulations and penalties relating to registered and licensed vessels. (Feb. 27, 1877, sec. 1.)

#### Licensed Vessels Under 20 Tons.

R. S. 4331 (46 U.S.C. 273). Before any vessel, of the burden of five tons, and less than twenty tons, shall be licensed, the same measurement shall be made of such vessel, and the same provisions observed relative thereto, as are to be observed in case of measuring vessels to be registered or enrolled; but in all cases, where such vessel or any other licensed vessel shall have been once measured, it shall not be necessary to measure such vessel anew, for the purpose of obtaining another enrollment or license, unless such vessel shall

have undergone some alteration as to her burden, subsequent to the time of her former license.

#### Undocumented Vessels.

Apr. 18, 1874 (46 U.S.C. 336). The act [R. S. 4311 to 4385; 46 U.S.C. 251 to 336] to which this is a supplement shall not be so construed as to extend the provisions of the said act to canal boats or boats employed on the internal waters or canals of any State; and all such boats, excepting only such as are provided with sails or propelling machinery of their own adapted to lake or coastwise navigation, and excepting such as are employed in trade with the Canadas, shall be exempt from the provisions of the said act, and from the payment of all customs and other fees under any act of Congress.

(But see Sec. 27, Merchant Marine Act, 1920, p. 265.)

June 30, 1879 (46 U. S. C. 333). The provisions of title fifty [R. S. 4311-4390; 46 U. S. C. 251 to 336] of the Revised Statutes of the United States shall not be so construed as to require the payment of any fee or charge for the enrolling or licensing of vessels, built in the United States and owned by citizens thereof not propelled by sail or by internal motive power of their own, and not in any case carrying passengers, whether navigating the internal waters of a State or the navigable waters of the United States, and not engaged in trade with contiguous foreign territory, nor shall this or any existing law be construed to require the enrolling, registering, or licensing of any flat boat, barge, or like craft for the carriage of freight, not propelled by sail or by internal motive power of its own, on the rivers or lakes of the United States. (But see sec. 27, Merchant Marine Act, 1920, p. 265.)

R. S. 4385 (46 U. S. C. 335). Nothing in this Title [R. S. 4311 to 4390—46 U. S. C. 251 to 336] shall be construed to extend to any boat or lighter not being masted, or if masted and not decked, employed in the harbor of any town or city. (But see sec. 27, Mer-

chant Marine Act, 1920, p. 265.)

#### Yachts.

R. S. 4214 (46 U. S. C. 103). The Secretary of Commerce may cause yachts used and employed exclusively as pleasure vessels or designed as models of naval architecture, if built and owned so as to be entitled to registry and the benefits thereof as vessels of the United States if such vessels were merchant vessels, to be licensed on terms which will authorize them to proceed from port to port of the United States and to foreign ports without entering or clearing at the customhouse; such license shall be in such form as the Secretary of Commerce may prescribe. Such vessels, so enrolled and licensed, shall not be allowed to transport merchandise or carry passengers Such vessels shall have their name and port placed on some conspicuous portion of their hulls. Such vessels shall, in all respects, except as above, be subject to the laws of the United States, and shall be liable to seizure and forfeiture for any violation of the provisions of this title [R. S. 4131-4305]. (Mar. 3, 1883, sec. 1; Jan. 16, 1895, sec. 4; Aug. 20, 1912, sec. 1; Mar. 4, 1913.) (See historical note. United States Code, Annotated.)

Jan. 16, 1895, sec. 4 (46 U. S. C. 107). No licensed yacht shall engage in any trade, nor in any way violate the revenue laws of the

United States; and every such yacht shall comply with the laws in

all respects.

Jan. 16, 1895, sec. 5 (46 U.S. C. 108). Any master or owner violating the provisions of the preceding section [section 4] shall be liable to the penalty of \$200, in addition to any other penalty imposed by law. The Secretary of Commerce shall have power to remit or mitigate any such penalty if in his opinion it was incurred without negligence or intention of fraud.

#### YACHT COMMISSIONS

R. S. 4217 (46 U. S. C. 105). For the identification of yachts and their owners, a commission to sail for pleasure in any designated yacht belonging to any regularly organized and incorporated yacht club, stating the exemptions and privileges enjoyed under it, may be issued by the Secretary of Commerce, and shall be a token of credit to any United States official, and to the authorities of any foreign power, for privileges enjoyed under it. (Feb. 14, 1903, sec. 10; Mar. 4, 1913, sec. 1.)

#### YACHT INSIGNIA

R. S. 4215 (46 U. S. C. 109). All such licensed yachts shall use a signal of the form, size, and colors prescribed by the Secretary of the Navy; and the owners thereof shall at all times permit the naval architects in the employ of the United States to examine and copy the models of such yachts.

#### CRUISING PERMITS TO FOREIGN YACHTS

May 28, 1908, sec. 5 (46 U. S. C. 104). Whenever it shall be made to appear to the satisfaction of the President of the United States that yachts belonging to any regularly organized yacht club of the United States are allowed to arrive at and depart from any foreign port and to cruise in the waters of such port without entering or clearing at the customhouse thereof and without the payment of any charges for entering or clearing, dues, duty per ton, tonnage taxes or charges for cruising licenses, the Secretary of Commerce may authorize and direct the customs authorities at the various ports and subports of entry of the United States to allow yachts from such foreign port belonging to any regularly organized yacht club thereof to arrive at and depart from any port or subport of the United States and to cruise in waters of the United States without the payment of any charges for entering or clearing, dues, duty per ton, or tonnage taxes, but the Secretary of Commerce may, in his discretion, direct that such foreign yachts shall be required to obtain licenses to cruise, in a form prescribed by him, before they shall be allowed under the provisions of this Act to cruise in waters of the United States. Such licenses shall be issued without cost to such yachts and shall prescribe such limitations as to length of time, direction, and place of cruising and action, and such other particulars as the Secretary of Commerce may deem proper. (Aug. 5, 1909, sec. 37; Mar. 4, 1913; sec. 1.) See also Tonnage tax, p. 370.

## LICENSED YACHT REQUIRED TO ENTER

R. S. 4218 (46 U. S. C. 106). Every yacht, except those of fifteen gross tons or under, exempted by law, visiting a foreign country under the provisions of sections 4214, 4215, and 4217 of the Revised Statutes shall, on her return to the United States, make due entry at the customhouse of the port at which, on such return, she shall arrive: Provided, That nothing in this act shall be so construed as to exempt the master or person in charge of a yacht or vessel arriving from a foreign port or place with dutiable articles on board from reporting to the customs officer of the United States at the port or place at which said yacht or vessel shall arrive, and deliver in to said officer a manifest of all dutiable articles brought from a foreign country in such yachts or vessels. (Aug. 20, 1912, sec. 1; Aug. 5, 1935, sec. 311.) See sec. 441, tariff act of 1930, p. 315.

#### Official Number.

R. S. 4177 (46 U. S. C. 45). The Secretary of Commerce shall have power, under such regulations as he shall prescribe, to establish and provide a system of numbering vessels so registered, enrolled, and licensed; and each vessel so numbered shall have her number deeply carved or otherwise permanently marked on her main beam; and if at any time she shall cease to be so marked, such vessel shall be liable to a fine of \$30 on every arrival in port of the United States if she have not her proper official number legally carved or permanently marked. (June 19, 1886, sec. 6; June 30, 1932, sec. 501; May 27, 1936, sec. 1.)

#### Name of Vessel.

R. S. 4178 (46 U. S. C. 46). The name of every documented vessel of the United States shall be marked upon each bow and upon the stern, and the home port shall also be marked upon the stern. These names shall be painted or gilded, or consist of cut or carved or cast roman letters in light color, on a dark ground, or in a dark color on a light ground, secured in place, and to be distinctly visible. The smallest letters used shall not be less in size than four inches. If any such vessel shall be found without these names being so marked, the owner or owners shall be liable to a penalty of \$10 for each name omitted. (Feb. 21, 1891, sec. 1; Jan. 20, 1897.)

R. S. 4495 (46 U. S. C. 493). Every steam vessel of the United States, in addition to having her name painted on her stern, shall have the same conspicuously placed in distinct, plain letters, of not less than six inches in length on each outer side of the pilot house, if it has such, and in case the vessel has side wheels, also on the outer side of each wheelhouse; and if any such steamboat be found without having her name placed as required, she shall be subject to the same penalty and forfeiture as provided by law in the case of a vessel of the United States found without having her name, and the name of the port to which she belongs, painted on her stern.

#### Port Defined.

June 26, 1884, sec. 21 (46 U.S. C. 47). The word "port" as used in section 4178 shall be construed to mean either the port where the

vessel is registered or enrolled, or the place in the same district where the vessel was built or where one or more of the owners reside. See Act Feb. 16, 1925, immediately following.

#### Home Port.

Feb. 16, 1925, sec. 1 (46 U. S. C. 18). For the purposes of the navigation laws of the United States and of the Ship Mortgage Act, 1920, otherwise known as section 30 of the Merchant Marine Act. 1920, every vessel of the United States shall have a "home port" in the United States, including Alaska, Hawaii, and Puerto Rico, which port of the owner of such vessel, subject to the approval of the Director, Bureau of Marine Inspection and Navigation of the Department of Commerce, shall specifically fix and determine, and subject to such approval may from time to time change. Such home port shall be shown in the register, enrollment and license, or license of such vessel, which documents, respectively, are hereinafter referred to as the vessel's document. The home port shown in the document of any vessel of the United States in force at the time of the approval of this Act shall be deemed to have been fixed and determined in accordance with the provisions hereof. Section 4141 of the Revised Statutes is hereby amended to conform herewith. (May 17, 1932; June 30, 1932, sec. 502; May 27, 1936, sec. 1.)

## Recordation at Home Port.

Feb. 16, 1925, sec. 2 (46 U. S. C. 1012). No bill of sale, conveyance, mortgage, assignment of mortgage, or hypothecation (except bottomry), which includes a vessel of the United States or any portion thereof, shall be valid in respect to such vessel against any person other than the grantor or mortgagor, his heirs or devisees, and any person having actual notice thereof, until such bill of sale, conveyance, mortgage, assignment of mortgage, or hypothecation is recorded in the office of the collector of customs at the home port of such vessel. Any bill of sale or conveyance of the whole or any part of a vessel shall be recorded at the home port of such vessel as shown in her new document.

# Validity Prior Recordations.

Feb. 16, 1925, sec. 3 (46 U. S. C. 1013). All conveyances and mortgages of any vessel or any part thereof, and all documentations, recordations, indorsements, and indexing thereof, and proceedings incidental thereto heretofore made or done, are hereby declared valid to the extent they would have been valid if the port or ports at which said vessel has in fact been documented from time to time had been the port or ports at which it should have been documented in accordance with law; and this section is hereby declared retroactive so as to accomplish such validation: Provided, That nothing herein contained shall be construed to deprive any person of any vested right.

## "Port of Documentation" Defined.

FEB. 16, 1925, sec. 4 (46 U. S. C. 1011). Wherever the words "port of documentation" are used they shall be deemed to mean the "home port" of the vessel, except that the words "port of documentation" shall not include a port in which a temporary document is issued.

Navigation Laws Amended to Conform.

Feb. 16, 1925, sec. 5 (46 U.S. C. 1014). All such provisions of the Navigation Laws of the United States as are in conflict with this Act are hereby amended to conform herewith.

Change of Name.

R. S. 4179 (46 U. S. C. 50). No master, owner, or agent of any vessel of the United States shall in any way change the name of such vessel, or by any device, advertisement, or contrivance deceive or attempt to deceive the public, or any officer or agent of the United States, or of any State, or any corporation or agent thereof, or any person or persons, as to the true name or character of such vessel, on pain of the forfeiture of such vessel.

Feb. 19, 1920, sec. 1 (46 U. S. C. 51). The Director of the Bureau of Marine Inspection and Navigation shall, under the direction of the Secretary of Commerce, be empowered to change the names of vessels of the United States on application of the owner or owners of such vessels when, in his judgment, there shall be sufficient cause for

so doing. (June 30, 1932, sec. 501; May 27, 1936, sec. 1.)

Feb. 19, 1920, sec. 2 (46 U. S. C. 52). The Director of the Bureau of Marine Inspection and Navigation, with the approval of the Secretary of Commerce, shall establish such rules and regulations and procure such evidence as to age, condition, where built, and pecuniary liability of the vessel as he may deem necessary to prevent injury to public or private interests; and when permission is granted by the Director of the Bureau of Marine Inspection and Navigation he shall cause the order for the change of name to be published at least in four issues in some daily or weekly paper at the place of documentation, and the cost of procuring evidence and advertising the change of name to be paid by the person or persons desiring such change of name. (June 30, 1932, sec. 501; May 27, 1936, sec. 1.)

## Fees for Change

Feb. 19, 1920, sec. 3 (46 U. S. C. 53). For the privilege of securing such changes of name the following fees shall be paid by the owners of vessels to collectors of customs, to be deposited in the Treasury by such collectors as navigation fees: For vessels ninety-nine gross tons and under, \$10; for vessels one hundred gross tons and up to and including four hundred and ninety-nine gross tons, \$25; for vessels five hundred gross tons and up to and including nine hundred and ninety-nine gross tons, \$50; for vessels one thousand gross tons and up to and including four thousand nine hundred and ninety-nine gross tons, \$75; for vessels five thousand gross tons and over, \$100.

Draught.

Feb. 21, 1891, sec. 2 (46 U. S. C. 48). The draught of every registered vessel shall be marked upon the stem and stern posts, in English feet or decimeters, in either Arabic or Roman numerals. The bottom of each numeral shall indicate the draught to that line. (Jan. 20, 1897, sec. 2.)

Authority to Take Over Vessels of Enemy Nations.

S. J. Res., May 12, 1917, sec. 2. The President be, and he is hereby, authorized to take over to the United States the immediate possession and title of any vessel within the jurisdiction thereof, including the Canal Zone and all territories and insular possessions of the United States except the American Virgin Islands, which at the time of coming into such jurisdiction was owned in whole or in part by any corporation, citizen, or subject of any nation with which the United States may be at war when such vessel shall be taken, or was flying the flag of or was under register of any such nation or any political subdivision or municipality thereof; and, through the United States Maritime Commission, or any department or agency of the Government, to operate, lease, charter, and equip such vessel in any service of the United States, or in any commerce, foreign or coastwise.

That the Secretary of the Navy be, and he is hereby, authorized and directed to appoint, subject to the approval of the President, a board of survey, whose duty it shall be to ascertain the actual value of the vessel, its equipment, appurtenances, and all property contained therein, at the time of its taking, and to make a written report of their findings to the Secretary of the Navy, who shall preserve such report with the records of his department. These findings shall be considered as competent evidence in all proceedings on any claim for compensation. (Executive order No. 6166, dated June 10, 1933; June 29, 1936, sec. 204.)

## Carpenter's Certificate.

R. S. 4147 (46 U. S. C. 24). In order to the registry of any vessel built within the United States, it shall be necessary to produce a certificate, under the hand of the principal or master carpenter, by whom or under whose direction the vessel has been built, testifying that she was built by him or under his direction, and specifying the place where, the time when, and the person for whom, and describing her build, number of decks and masts, length, breadth, depth, tonnage, and such other circumstances as are usually descriptive of the identity of a vessel; which certificate shall be sufficient to authorize the removal of a new vessel from the district where she may be built to another district in the same or an adjoining State, where the owner actually resides, provided it be with ballast only.

#### Oath of Owner.

R. S. 4142 (46 U. S. C. 19). In order to the registry of any vessel, an oath shall be taken and subscribed by the owner, or by one of the owners thereof, before the officer authorized to make such registry, declaring, according to the best of the knowledge and belief of the person so swearing, the name of such vessel, her burden, the place where she was built, if built within the United States, and the year in which she was built; or that she has been captured in war, specifying the time, by a citizen of the United States, and lawfully condemned as prize, producing a copy of the sentence of condemnation, authenticated in the usual forms; or that she has been adjudged to be forfeited for a breach of the laws of the United States, producing a like copy of the adjudication of forfeiture; and declaring his name and place of abode, and if he be the sole owner of the vessel, that such is the case; or if there be another owner, that there is such other owner, specifying his name and place of abode, and

that he is a citizen of the United States, and specifying the proportion belonging to each owner; and where an owner resides in a foreign country, in the capacity of a consul of the United States, or as an agent for and a partner in a house or copartnership consisting of citizens of the United States, actually carrying on trade within the United States, that such is the case, that the person so swearing is a citizen of the United States, and that there is no subject or citizen of any foreign prince or state, directly or indirectly, by way of trust, confidence, or otherwise, interested in such vessel, or in the profits or issues thereof; and that the master thereof is a citizen, naming the master, and stating the means whereby or manner in which he is a citizen.

## Penalty for False Oath.

R. S. 4143 (46 U. S. C. 21). If any of the matters of fact alleged in the oath taken by an owner to obtain the registry of any vessel, which within the knowledge of the party so swearing are not true, there shall be a forfeiture of the vessel, together with her tackle, apparel, and furniture, in respect to which the oath shall have been made, or of the value thereof, to be recovered, with the costs of suit, of the person by whom the oath was made.

#### Master's Oath of Citizenship.

R. S. 4144 (46 U. S. C. 22). If the master of a vessel is within the district where a registry thereof is to be made when application is made, for registering the same, he shall himself, instead of the owner, or of the agent or attorney, as hereinafter mentioned, make oath touching his being a citizen, and the means whereby or manner in which he is a citizen; in which case, if the master shall knowingly swear to anything untrue, no forfeiture of the vessel, on account of such false oath, shall be incurred, but the master shall be liable to a penalty of \$1,000.

#### Administration of Oaths.

June 17, 1930, sec. 486 (19 U.S. C. 1486). (a) Customs officers.—
The following officers and employees may administer any oaths required or authorized by law or regulations promulgated thereunder in respect of any matter coming before such officers or employees in the performance of their official duties: (1) Any customs officer appointed by the President; (2) the chief assistant of any such officer, or any officer or employee of the customs field service designated for the purpose by such officer or by the Secretary of the Treasury; and (3) any officer or employee of the Bureau of Customs designated for the purpose by the Secretary of the Treasury.

(c) No compensation.—No compensation or fee shall be demanded or accepted for administering any oath under the provisions of this

section.

# Place of Registry.

R. S. 4141 (46 U. S. C. 17). Every vessel, except as is hereinafter provided, shall be registered by the collector of that collection district which includes the port to which such vessel shall belong at the time of her registry; which port shall be deemed to be that at or nearest to which the owner, if there be but one, or, if more than one, the husband or acting and managing owner of such vessel, usually resides. See act Feb. 16, 1925, p. 122.

Temporary Register.

R. S. 4159 (46 U. S. C. 29). Whenever any citizen of the United States purchases or becomes owner of any vessel entitled to be registered, such vessel being within any district other than the one in which he usually resides, such vessel shall be entitled to be registered by the collector of the district where she may be, at the time of his becoming owner thereof, upon his complying with the provisions hereinbefore prescribed, in order to the registry of vessels. And the oath which is required to be taken may, at the option of such owner, be taken either before the collector of the district comprehending the port to which such vessel may belong, or before the collector of the district within which such vessel may be, either of whom is hereby empowered to administer such oath.

Surrender of Temporary Register.

R. S. 4160 (46 U. S. C. 30). Whenever any vessel, registered in pursuance of the provisions of the preceding section, shall arrive within the district comprehending the port to which she belongs, the certificate of registry, so obtained, shall be delivered up to the collector of such district, who, upon the requisites of this Title [R. S. 4131 to 4305—46 U. S. C. 11 to 82 and 221] in order to the registry of vessels being complied with, shall grant a new one in lieu of the first. The certificate so delivered up shall forthwith be returned by the collector who receives the same, to the collector who granted it. If the first-mentioned certificate of registry is not delivered up, as above directed, the owner and the master of such vessel, at the time of her arrival within the district comprehending the port to which she may belong, shall severally be liable to a penalty of \$100, and the certificate of registry shall be thenceforth void.

Registry of Vessel by Agent or Attorney.

R. S. 4161 (46 U. S. C. 31). Whenever any vessel entitled to be registered is purchased by an agent or attorney for or on account of a citizen of the United States, such vessel being in a district of the United States more than fifty miles distant, taking the nearest usual route by land, from the one comprehending the port to which, by virtue of such purchase, and by force of this Title [R. S. 4131-4305], such vessel ought to be deemed to belong, it shall be lawful for the collector of the district where such vessel may be, and he is hereby required, upon the application of such agent or attorney, to proceed to the registering of the vessel, the agent or attorney first complying, on behalf and in the stead of the owner thereof, with the requisites prescribed by this Title in order to the registry of vessels, except that, in the oath taken by the agent or attorney, instead of swearing that he is owner or an owner of such vessel, he shall swear that he is agent or attorney for the owner thereof, and that he has, in good faith, purchased the vessel for the person whom he names and describes as the owner thereof.

Surrender of Registry Granted Agent or Attorney.

R. S. 4162 (46 U. S. C. 32). Whenever any vessel registered in pursuance of the provisions of the preceding section, shall arrive within the district comprehending the port to which she belongs, the certificate of registry so obtained shall be delivered up to the col-

lector of such district, who, upon the requirements of this Title [R. S. 4131-4305] in order to the registry of vessels being complied with, shall grant a new one in lieu of the first. The certificate, so delivered up, shall forthwith be returned to the collector, who shall transmit the same to the collector who granted it. If the first-mentioned certificate of registry is not delivered up, as above directed, the owner and the master of such vessel, at the time of her arrival within the district comprehending the port to which she may belong, shall severally be liable to a penalty of \$100, and the certificate of registry shall be thenceforth void.

Forfeiture of Vessel for False Oath by Agent.

R. S. 4163 (46 U. S. C. 33). If any of the matters of fact alleged in the oath taken by an agent or attorney to obtain the registry of a vessel which are within the knowledge of the party so swearing, are not true, there shall be a forfeiture of vessel, together with her tackle, apparel, and furniture, in respect to which the same was made, or of the value thereof, to be recovered, with costs of suit, of the person by whom such oath was made. (See R. S. 4189, p. 147, and secs. 37 and 125, Criminal Code, p. 513.)

Form of Register.

R. S. 4155 (46 U. S. C. 25). When the several matters hereinbefore required, in order to the registering of any vessel, have been complied with, the collector of the district comprehending the port to which she belongs shall make and keep in some proper book a registry thereof, and shall grant a certificate of such registry, as

nearly as may be, in the form following:

In pursuance of chapter one, Title XLVIII, "REGULATION OF COMMERCE AND NAVIGATION", of the Revised Statutes of the United States (inserting here the name, occupation, and place of abode of the person by whom the oath was made), having taken and subscribed the oath required by law, and having sworn that he (or she, and if more than one owner, adding the words, "together with", and the name or names, occupation or occupations, place or places of abode, of the owner or owners, and the part or proportion of such vessel belonging to each owner) is (or are) the only owner (or owners) of the vessel called the (inserting here her name), of (inserting here the port to which she may belong), whereof (inserting here the name of the master) is at present master, and is a citizen of the United States, and that the said vessel was (inserting here when and where built), and (inserting here the name and office, if any, of the person by whom she shall have been surveyed or measured) having certified that the said vessel has (inserting here the number of decks) and (inserting here the number of masts), and that her length is (inserting here the number of feet), her breadth (inserting here the number of feet), her depth (inserting here the number of feet), and that she measures (inserting here her number of tons); that she is (describing here the particular kind of vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else, together with her build, and specifying whether she has any or no gallery or head); and the said (naming the owner, or the master, or other person acting in behalf of the owner or owners, by whom the certificate of measurement has been countersigned, as aforesaid)

having agreed to the description and measurement above specified, the said vessel has been duly registered at the port of (naming the port where registered). Given under my hand and seal, at (naming the said port), this (inserting the particular day) day of (naming the month), in the year (specifying the number of the year, in words, at length). (Jan. 16, 1895, sec. 1.)

#### Variation From Form.

R. S. 4156 (46 U. S. C. 26). When the master of such vessel himself makes oath touching his being a citizen, the wording of the certificate shall be varied so as to be conformable to the truth of the case. Where a new certificate of registry is granted in consequence of any transfer of a vessel, the words shall be so varied as to refer to the former certificate of registry for her measurement.

## Numbering of Registers.

R. S. 4176 (46 U. S. C. 44). The collector of each district shall progressively number the certificates of the registry by him granted, beginning anew at the commencement of each year, and shall enter an exact copy of each certificate in a book to be kept for that purpose; and shall, once in three months, transmit to the Director of the Bureau of Marine Inspection and Navigation copies of all the certificates which shall have been granted by him, including the number of each. (July 5, 1884, sec. 2, June 30, 1932, sec. 501; May 27, 1936, sec. 1.)

## Blank Certificates of Registry to be Furnished.

R. S. 4157 (46 U. S. C. 27). It shall be the duty of the Secretary of Commerce to cause to be provided blank certificates of registry, and such other papers as may be necessary, executed in such manner and with such marks as he may direct. No certificate of registry shall be issued, except such as shall have been so provided and marked. (Feb. 14, 1903, sec. 10; Mar. 4, 1913, sec. 1.)

# Issuing of Forms.

R. S. 4158 (46 U. S. C. 28). The Secretary of Commerce shall cause to be transmitted, from time to time, to the collectors of the several districts, a sufficient number of forms of the certificates of registry, attested under the seal of the Department of Commerce and the hand of the Director of the Bureau of Marine Inspection and Navigation with proper blanks, to be filled by the collectors, respectively, by whom also the certificates shall be signed and sealed, before they are issued. A copy of each certificate issued shall be transmitted to the Director of the Bureau of Marine Inspection and Navigation, who shall cause a record to be kept of the same. (July 5, 1884; June 17, 1930, sec. 523; June 30, 1932, sec. 501; May 27, 1936, sec. 1.)

# Custody and Surrender of Register.

R. S. 4146 (46 U. S. C. 23). A certificate of registry shall be solely used for the vessel for which it is granted, and shall not be sold, lent, or otherwise disposed of, to any person whomsoever; and in case the vessel so registered shall be lost, or taken by an enemy, burned, or broken up, or shall be otherwise prevented from returning to the port to which she may belong, the certificate, if preserved, shall

be delivered up within eight days after the arrival of the master or person having the charge or command of such vessel within any district of the United States, to the collector of such district; and if any foreigner, or any person for the use and benefit of such foreigner, shall purchase or otherwise become entitled to the whole, or any part or share of, or interest in such vessel, the same being within a district of the United States, the certificate shall, within seven days after such purchase, change, or transfer of property, be delivered up to the collector of the district; and if any such purchase, change, or transfer of property shall happen when such vessel shall be at any foreign port or place, or at sea, then the master or person having the charge or command thereof shall, within eight days after his arrival within any district of the United States, deliver up the certificate to the collector of such district. Any master or owner violating the provisions of this section shall be liable to a penalty of not exceeding \$500, and the certificate of registry shall be thenceforth void. The Secretary of Commerce shall have the power to remit or mitigate such penalty if in his opinion it was incurred without willful negligence or intention of fraud. (Jan. 16, 1895, sec. 2; Feb. 14, 1903, sec. 10; Mar. 4, 1913, sec. 1.)

## Registers to Corporations.

R. S. 4137 (46 U. S. C. 15). Registers for vessels owned by any incorporated company may be issued in the name of the president or secretary of such company; and such register shall not be vacated or affected by sales of any shares of stock in such company.

Corporation, Partnership, or Association as Citizen; Applicability of Act to Receivers and Trustees.

September 7, 1916, sec. 2 (46 U. S. C. 802). (a) Within the meaning of this Act no corporation, partnership, or association shall be deemed a citizen of the United States unless the controlling interest therein is owned by citizens of the United States, and, in the case of a corporation, unless its president and managing directors are citizens of the United States and the corporation itself is organized under the laws of the United States or of a State, Territory, District, or possession thereof, but in the case of a corporation, association, or partnership operating any vessel in the coastwise trade the amount of interest required to be owned by citizens of the United States shall be 75 per centum.

(b) The controlling interest in a corporation shall not be deemed to be owned by citizens of the United States (a) if the title to a majority of the stock thereof is not vested in such citizens free from any trust or fiduciary obligation in favor of any person not a citizen of the United States; or (b) if the majority of the voting power in such corporation is not vested in citizens of the United States; or (c) if through any contract or understanding it is so arranged that the majority of the voting power may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States; or (d) if by any other means whatsoever control of the corporation is conferred upon or permitted to be exercised by any person who is not a citizen of the United States.

(c) Seventy-five per centum of the interest in a corporation shall not be deemed to be owned by citizens of the United States (a) if the

title to 75 per centum of its stock is not vested in such citizens free from any trust or fiduciary obligation in favor of any person not a citizen of the United States; or (b) if 75 per centum of the voting power in such corporation is not vested in citizens of the United States; or (c) if, through any contract or understanding, it is so arranged that more than 25 per centum of the voting power in such corporation may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States; or (d) if by any other means whatsoever control of any interest in the corporation in excess of 25 per centum is conferred upon or permitted to be exercised by any person who is not a citizen of the United States.

(d) The provisions of this Act shall apply to receivers and trustees

(d) The provisions of this Act shall apply to receivers and trustees of all persons to whom the Act applies, and to the successors or assignees of such persons. (July 15, 1918, sec. 2; June 5, 1920,

sec. 38.)

New Registry on Death Corporate Officer.

R. S. 4138 (46 U. S. C. 16). Upon the death, removal, or resignation of such president or secretary of any incorporated company owning any vessel, a new register shall be taken out for such vessel.

Oath by Corporate Officer or Agent of Owner.

R. S. 4139 (46 U. S. C. 20). Previous to granting a register for any vessel owned by any incorporated company, or by an individual or individuals, the president or secretary of such company, or any other officer or agent thereof, duly authorized by said company in writing, attested by the corporate seal thereof, to act for the company in this behalf, or the managing owner, or his agent duly authorized by power of attorney, when such vessel is owned by an individual or individuals, shall swear to the ownership of the vessel without designating the names of the persons composing the company, when such vessel is owned by a corporation, and the oath of either of said officers or agents shall be deemed sufficient without requiring the oath of any other person interested and concerned in such vessel. (June 24, 1902, sec. 1.)

Change of Owner of Registered Vessel.

R. S. 4164 (46 U. S. C. 34). Whenever it appears, by satisfactory proof, to the Secretary of Commerce that any vessel has been sold and transferred by process of law, and that the register of such vessel is retained by the former owner, the Secretary may direct the collector of the district to which such vessel may belong to grant a new register, under such sale, on the owners complying with such terms and conditions as are by law required for granting such papers; excepting only the delivering up of the former certificate of registry. But nothing in this section shall be construed to remove the liability of any person to any penalty for not surrendering the papers belonging to any vessel, on a transfer or sale of the same. (July 5, 1884, sec. 2; Feb. 14, 1903, sec. 10; Mar. 4, 1913, sec. 1.)

Registry on Sale Abroad.

R. S. 4166 (46 U. S. C. 35). When any vessel, registered pursuant to any law of the United States, shall, while she is without the limits of the United States, be sold or transferred in whole or in part to a

citizen of the United States, such vessel on her first arrival in the United States thereafter shall be entitled to all the privileges and benefits of a vessel of the United States: *Provided*, That all the requisites of law, in order to the registry of vessels, shall be complied with, and a new certificate of registry obtained for such vessel, within three days from the time at which the master or other person having the charge or command of such vessel is required to make his final report upon her first arrival afterward.

Change of Ownership or Build: Bill of Sale.

R. S. 4170 (46 U. S. C. 39). Whenever any vessel, which has been registered, is, in whole or in part, sold or transferred to a citizen of the United States, or is altered in form or burden, by being lengthened or built upon, or from one denomination to another, by the mode or method of rigging or fitting, the vessel shall be registered anew, by her former name, according to the directions hereinbefore contained, otherwise she shall cease to be deemed a vessel of the United States. The former certificate of registry of such vessel shall be delivered up to the collector to whom application for such new registry is made, at the time that the same is made, to be by him transmitted to the Director of the Bureau of Marine Inspection and Navigation, who shall cause the same to be canceled. In every such case of sale or transfer, there shall be some instrument of writing, in the nature of a bill of sale, which shall recite, at length, the certificate; otherwise the vessel shall be incapable of being so registered anew. (July 5, 1884, sec. 2; June 30, 1932, sec. 501; May 27, 1936, sec. 1.)

Change of Master of Registered Vessel.

R. S. 4171 (46 U. S. C. 40). When the master or person having the charge or command of a registered vessel is changed, the owner, or one of the owners, or the new master of such vessel, shall report such change to the collector of the district where the same has happened, or where the vessel shall first be after the same has happened, and shall produce to him the certificate of registry of such vessel, and shall make oath, showing that such new master is a citizen of the United States, and the manner in which or means whereby he is so a citizen. Thereupon the collector shall indorse upon the certificate of registry a memorandum of such change, specifying the name of such new master, and shall subscribe the memorandum with his name; and if other than the collector of the district by whom the certificate of registry was granted, shall transmit a copy of the memorandum to him, with notice of the particular vessel to which it relates; and the collector of the district, by whom the certificate shall have been granted, shall make a like memorandum of such change in his book of registers, and shall transmit a copy thereof to the Director of the Bureau of Marine Inspection and Navigation. If the change is not reported, or if the oath is not taken, as above directed, the registry of such vessel shall be void, and the master or person having the charge or command of her shall be liable to a penalty of \$100. 1884, sec. 2; June 30, 1932, sec. 501; May 27, 1936, sec. 1.)

Recording of Sales, Conveyances, and Mortgages of Vessels of the United States.

JUNE 5, 1920, sec. 30, subsec. C (46 U. S. C. 921). (a) No sale, conveyance, or mortgage which, at the time such sale, conveyance, or

mortgage is made, includes a vessel of the United States, or any portion thereof, as the whole or any part of the property sold, conveyed, or mortgaged shall be valid, in respect to such vessel, against any person other than the grantor or mortgager, his heir or devisee, and a person having actual notice thereof, until such bill of sale, conveyance, or mortgage is recorded in the office of the collector of customs of the port of documentation of such vessel, as provided in subdivision (b) of this section.

(b) Such collector of customs shall record bills of sale, conveyances, and mortgages, delivered to him, in the order of their reception, in books to be kept for that purpose and indexed to show—

(1) The name of the vessel;

(2) The names of the parties to the sale, conveyance, or mortgage;

(3) The time and date of reception of the instrument;

(4) The interest in the vessel so sold, conveyed, or mortgaged; and

(5) The amount and date of maturity of the mortgage. (See Act Feb. 16, 1925, sec. 2; p. 122.)

## CONDITIONS PRECEDENT TO RECORDATION

June 5, 1920, sec. 30, subsec. H (46 U. S. C. 926). (a) No bill of sale, conveyance, or mortgage shall be recorded unless it states the interest of the grantor or mortgagor in the vessel, and the interest so sold, conveyed, or mortgaged.

(b) No bill of sale, conveyance, mortgage, notice of claim of lien, or certificate of discharge thereof, shall be recorded unless previously acknowledged before a notary public or other officer authorized by a law of the United States, or of a State, Territory, District, or pos-

session thereof, to take acknowledgment of deeds.

(c) In case of a change in the port of documentation of a vessel of the United States, no bill of sale, conveyance, or mortgage shall be recorded at the new port of documentation unless there is furnished to the collector of customs of such port, together with the copy of the bill of sale, conveyance, or mortgage to be recorded, a certified copy of the record of the vessel at the former port of documentation furnished by the collector of such port. The collector of customs at the new port of documentation is authorized and directed to record such certified copy.

(d) A preferred mortgage may bear such rate of interest as is

agreed by the parties thereto.

## RECORD OF SALE OR OTHER DISPOSITION OF VESSELS

Sept. 7, 1916, sec. 40 (46 U. S. C. 838). Whenever any bill of sale, mortgage, hypothecation, or conveyance of any vessel, or part thereof, or interest therein, is presented to any collector of the customs to be recorded, the vendee, mortgagee, or transferee shall file therewith a written declaration in such form as the Commission may by regulation prescribe, setting forth the facts relating to his citizenship, and such other facts as the Commission requires, showing that the transaction does not involve a violation of any of the provisions of section nine or thirty-seven. Unless the Commission, before such presentation, has failed to prescribe such form, no such bill of sale,

mortgage, hypothecation, or conveyance shall be valid against any person whatsoever until such declaration has been filed. Any declaration filed by or in behalf of a corporation shall be signed by

the president, secretary, or treasurer thereof.

Whoever knowingly makes any false statement of a material fact in any such declaration shall be guilty of a misdemeanor and subject to a fine of not more than \$5,000, or to imprisonment for not more than five years, or both. (July 15, 1918, sec. 4; June 10, 1933, Ex. Ord. No. 6166, sec. 12; June 29, 1936, sec. 904.)

Inspection of Records; Certificates of Record; Fees.

June 5, 1920, sec. 30, subsec. I (46 U. S. C. 927). Each collector of customs shall permit records made under the provisions of this section to be inspected during office hours, under such reasonable regulations as the collector may establish. Upon the request of any person the collector of customs shall furnish him from the records of the collector's office (1) a certificate setting forth the names of the owners of any vessel, the interest held by each owner, and the material facts as to any bill of sale or conveyance of, any mortgage covering, or any lien or other incumbrance upon, a specified vessel, (2) a certified copy of any bill of sale, conveyance, mortgage, notice of claim of lien, or certificate of discharge in respect to such vessel, or (3) a certified copy as required by subdivision (c) of subsection H [46 U. S. C. 926]. The collector of customs shall collect a fee for any bill of sale, conveyance, or mortgage recorded, or any certificate or certified copy furnished, by him, in the amount of 20 cents a folio with a minimum charge of \$1.00. All such fees shall be covered into the Treasury of the United States as miscellaneous receipts.

## Sale to Alien.

R. S. 4172 (46 U. S. C. 41). If any vessel registered as a vessel of the United States shall be sold or transferred, in whole or in part, by way of trust, confidence, or otherwise, to a subject or citizen of any foreign prince or state, and such sale or transfer shall not be made known, as hereinbefore directed, such vessel, together with her tackle, apparel, and furniture, shall be forfeited. If such vessel, however, be so owned in part only, and it is made to appear to the jury before whom the trial for such forfeiture is had, that any other owner of such vessel, being a citizen of the United States, was wholly ignorant of the sale or transfer to or ownership of such foreign subject or citizen, the share or interest of such citizen of the United States shall not be subject to such forfeiture, and the residue only shall be so forfeited.

# Admission Foreign-Built Vessels to Registry; Penalty for Transfer Foreign Without Consent Maritime Commission.

SEPT. 7, 1916, sec. 9 (46 U. S. C. 808). Any vessel purchased, chartered, or leased from the Commission, by persons who are citizens of the United States, may be registered or enrolled and licensed, or both registered and enrolled and licensed, as a vessel of the United States and entitled to the benefits and privileges appertaining thereto: Provided, That foreign-built vessels admitted to American registry or enrollment and license under this Act, and vessels owned by any corporation in which the United States is a stockholder, and vessels

sold, leased, or chartered by the Commission to any person, a citizen of the United States, as provided in this Act, may engage in the coastwise trade of the United States while owned, leased, or char-

tered by such a person.

Every vessel purchased, chartered, or leased from the Commission shall, unless otherwise authorized by the Commission, be operated only under such registry or enrollment and license. Such vessels while employed solely as merchant vessels shall be subject to all laws, regulations, and liabilities governing merchant vessels, whether the United States be interested therein as owner, in whole or in part, or hold any mortgage, lien, or other interest therein.

Except as provided in section 611 of the Merchant Marine Act, 1936, as amended, it shall be unlawful, without the approval of the United States Maritime Commission, to sell, mortgage, lease, charter, deliver, or in any manner transfer, or agree to sell, mortgage, lease, charter, deliver, or in any manner transfer, to any person not a citizen of the United States, or transfer or place under foreign registry or flag, any vessel or any interest therein owned in whole or in part by a citizen of the United States and documented under the laws of the United States, or the last documentation of which was under the laws of the United States.

Any such vessel, or any interest therein, chartered, sold, transferred, or mortgaged to a person not a citizen of the United States or placed under a foreign registry or flag, or operated, in violation of any provision of this section shall be forfeited to the United States, and whoever violates any provision of this section shall be guilty of a misdemeanor and subject to a fine of not more than \$5,000, or to imprisonment for not more than five years, or both. (July 15, 1918, sec. 3; June 5, 1920, sec. 18; June 10, 1933, Ex. Ord. 6166, sec. 12; June 29, 1936, sec. 904; June 23, 1938, sec. 42.)

Penalty For Illegal Transfer or Use of Vessel.

R. S. 4377 (46 U. S. C. 325). Whenever any licensed vessel is transferred, in whole or in part, to any person who is not at the time of such transfer a citizen of and resident within the United States, or is employed in any other trade than that for which she is licensed, or is employed in any trade whereby the revenue of the United States is defrauded, or is found with a forged or altered license, or one granted for any other vessel, or with merchandise of foreign growth or manufacture (sea stores excepted), or any taxable domestic spirits, wines, or other alcoholic liquors, on which the duties or taxes have not been paid or secured to be paid, such vessel with her tackle, apparel and furniture, and the cargo, found on board her, shall be forfeited. But vessels which may be licensed for the mackerel fishery shall not incur such forfeiture by engaging in catching cod or fish of any other description whatever. For the purposes of this section, marks, labels, brands, or stamps, indicative of foreign origin, upon or accompanying merchandise or containers of merchandise found upon any vessel, shall be prima facie evidence of the foreign origin of such merchandise. (Aug. 5, 1935, sec. 313.)

Restrictions on Transfer of Shipping Facilities During War or National Emergency; Penalties.

Sept. 7, 1916, sec. 37 (46 U. S. C. 835). When the United States is at war or during any national emergency, the existence of which

is declared by proclamation of the President it shall be unlawful,

without first obtaining the approval of the Commission:

(a) To transfer to or place under any foreign registry or flag any vessel owned in whole or in part by any person a citizen of the United States or by corporation organized under the laws of the United States, or of any State, Territory, District, or possession thereof; or

(b) To sell, mortgage, lease, charter, deliver, or in any manner transfer, or agree to sell, mortgage, lease, charter, deliver, or in any manner transfer to any person not a citizen of the United States, (1) any such vessel or any interest therein, or (2) any vessel documented under the laws of the United States, or any interest therein, or (3) any shipyard, dry dock, ship-building or ship-repairing plant or facilities, or any interest therein; or

(c) To enter into any contract, agreement, or understanding to construct a vessel within the United States for or to be delivered to any person not a citizen of the United States, without expressly stipulating that such construction shall not begin until after the war

or emergency proclaimed by the President has ended; or

(d) To make any agreement or effect any understanding whereby there is vested in or for the benefit of any person not a citizen of the United States, the controlling interest or a majority of the voting power in a corporation which is organized under the laws of the United States, or of any State, Territory, District, or possession thereof, and which owns any vessel, shipyard, dry dock, or shipbuilding or ship-repairing plant or facilities; or

(e) To cause or procure any vessel constructed in whole or in part within the United States, which has never cleared for any foreign port, to depart from a port of the United States before it

has been documented under the laws of the United States.

Whoever violates, or attempts or conspires to violate, any of the provisions of this section shall be guilty of a misdemeanor, punishable by a fine of not more than \$5,000 or by imprisonment for not

more than five years, or both.

Any vessel, shipyard, dry dock, ship-building or ship-repairing plant or facilities, or interest therein, sold, mortgaged, leased, chartered, delivered, transferred, or documented, or agreed to be sold, mortgaged, leased, chartered, delivered, transferred, or documented, in violation of any of the provisions of this section, and any stocks, bonds, or other securities sold or transferred, or agreed to be sold or transferred, in violation of any of such provisions, or any vessel departing in violation of the provisions of subdivision (e), shall be forfeited to the United States.

Any such sale, mortgage, lease, charter, delivery, transfer, documentation, or agreement therefor shall be void, whether made within or without the United States, and any consideration paid therefor or deposited in connection therewith shall be recoverable at the suit of the person who has paid or deposited the same, or of his successors or assigns, after the tender of such vessel, shippard, dry dock, shipbuilding or ship-repairing plant or facilities, or interest therein, or of such stocks, bonds, or other securities, to the person entitled thereto, or after forfeiture thereof to the United States, unless the person to whom the consideration was paid, or in whose interest it was deposited, entered into the transaction in the honest belief that the per-

son who paid or deposited such consideration was a citizen of the United States. (June 10, 1933, Ex. Ord. No. 6166, sec. 12; June 29, 1936, sec. 904.)

#### Forfeitures.

Sept. 7, 1916, sec. 38 (46 U. S. C. 836). All forfeitures incurred under the provisions of this Act may be prosecuted in the same court, and may be disposed of in the same manner, as forfeitures incurred for offenses against the law relating to the collection of duties. (July 15, 1918, sec. 4.)

#### Prima Facie Evidence.

Sept. 7, 1916, sec. 39 (46 U. S. C. 837). In any action or proceeding under the provisions of this Act to enforce a forfeiture the conviction in a court of criminal jurisdiction of any person for a violation thereof with respect to the subject of the forfeiture shall constitute prima facie evidence of such violation against the person so convicted. (July 15, 1918, sec. 4.)

## Approvals by Maritime Commission.

Sept. 7, 1916, sec. 41 (46 U. S. C. 839). Whenever by said section nine or thirty-seven the approval of the Commission is required to render any act or transaction lawful, such approval may be accorded either absolutely or upon such conditions as the Commission prescribes. Whenever the approval of the Commission is accorded upon any condition a statement of such condition shall be entered upon its records and incorporated in the same document or paper which notifies the applicant of such approval. A violation of such condition so incorporated shall constitute a misdemeanor and shall be punishable by fine and imprisonment in the same manner, and shall subject the vessel, stocks, bonds, or other subject matter of the application conditionally approved to forfeiture in the same manner, as though the Act conditionally approved had been done without the approval of the Commission, but the offense shall be deemed to have been committed at the time of the violation of the condition.

Whenever by this Act the approval of the Commission is required to render any act or transaction lawful, whoever knowingly makes any false statement of a material fact to the Commission, or to any member thereof, or to any officer, attorney, or agent thereof, for the purpose of securing such approval, shall be guilty of a misdemeanor and subject to a fine of not more than \$5,000, or to imprisonment for not more than five years, or both. (June 10, 1933, Ex. Ord. No. 6166,

sec. 12; June 29, 1936, sec. 904.)

#### Documented Vessels.

Sept. 7, 1916, sec. 42. (46 U. S. C. 840). Any vessel registered, enrolled, or licensed under the laws of the United States shall be deemed to continue to be documented under the laws of the United States within the meaning of subdivision (b) of section thirty-seven, until such registry, enrollment, or license is surrendered with the approval of the Commission, the provisions of any other Act of Congress to the contrary notwithstanding. (June 10, 1933, Ex. Ord. No. 6166, sec. 12; June 29, 1936, sec. 904.)

Loss of Register.

R. S. 4167 (46 U. S. C. 36). Whenever the certificate of the registry of any vessel is lost, destroyed, or mislaid, the master, or other person having the charge or command thereof, may make oath before the collector of the district where such vessel shall first be after such loss, destruction, or mislaying, in the form following: "I (inserting here the name of the person swearing), being master (or having the charge or command) of the ship or vessel called the (inserting the name of the vessel), do swear (or affirm) that the said vessel hath been, as I verily believe, registered according to law, by the name of (inserting again the name of the vessel), and that a certificate thereof was granted by the collector of the district of (naming the district where registered), which certificate has been lost (or destroyed, or unintentionally and by mere accident mislaid, as the case may be); and (except where the certificate is alleged to have been destroyed) that the same, if found again, and within my power, shall be delivered up to the collector of the district in which it was granted." Such oath shall be subscribed by the party making the same; and upon such oath being made, and the other requisites of this Title [R. S. 4131-4305] in order to the registry of vessels being complied with, it shall be lawful for the collector of the district before whom such oath is made, to grant a new register, inserting therein that the same is issued in lieu of the one lost or destroyed.

Surrender of Registry Obtained on Loss of Original; Penalty.

R. S. 4168 (46 U. S. C. 37). Whenever a register is granted in lieu of one lost or destroyed, by any other than the collector of the district to which the vessel actually belongs, such register shall, within ten days after her first arrival within the district to which she belongs, be delivered up to the collector of such district, who shall, thereupon, grant a new register in lieu thereof. And in case the master or commander shall neglect to deliver up such register within the time above mentioned, he shall be liable to a penalty of \$100; and the former register shall become null and void.

Penalty For Failure to Deliver Former Register.

R. S. 4169 (46 U. S. C. 38). In every case in which a vessel is required to be registered anew, if she shall not be so registered anew, she shall not be entitled to any of the privileges or benefits of a vessel of the United States. And if her former certificate of registry is not delivered up, except where the same may have been destroyed, lost, or unintentionally mislaid, and an oath thereof shall have been made, as hereinbefore prescribed (R. S. 4167) the owner of such vessel shall be liable to a penalty of \$500, to be recovered, with costs of suit.

Penalty for Failure to Surrender Enrollment Prior to Proceeding on Foreign Voyage.

R. S. 4337 (46 U. S. C. 278). If any vessel, enrolled or licensed, shall proceed on a foreign voyage, without first giving up her enrollment and license to the collector of the district comprehending the port from which she is about to proceed on such voyage, and being duly registered by such collector, every such vessel, together with her tackle, apparel, and furniture, and the merchandise so imported therein, shall be liable to seizure and forfeiture.

Collector's Certificate.

R. S. 4338 (46 U. S. C. 279). If the port from which any vessel, so enrolled or licensed, is about to proceed on a foreign voyage is not within the district where such vessel is enrolled, the collector of such district shall give to the master of such vessel a certificate, specifying that the enrollment and license of such vessel has been received by him, and the time when it was so received; which certificate shall afterward be delivered by the master to the collector who may have granted such enrollment and license.

Deposit of Register, Sea Letter, and Passport.

R. S. 4309 (46 U. S. C. 354). Every master of a vessel, belonging to citizens of the United States, who shall sail from any port of the United States, shall, on his arrival at a foreign port, deposit his register, sea letter, and Mediterranean passport with the consul or vice consul, if any there be at such port; and it shall be the duty of such consul or vice consul, on such master or commander producing to him a clearance from the proper officer of the port where his vessel may be, to deliver to the master all of his papers, if such master or commander has complied with the provisions of law relating to the discharge of seamen in a foreign country, and to the payment of the fees of consular officers.

#### PENALTY FOR NONCOMPLIANCE

R. S. 4310 (46 U. S. C. 355). Every master of any such vessel who refuses or neglects to deposit the papers as required by the preceding section, shall be liable to a penalty of \$500, to be recovered by such consul or vice consul, in his own name, for the benefit of the United States, in any court of competent jurisdiction. (From the Act Feb. 28, 1803. The use of sea letters and Mediterranean passports was discontinued by Presidential proclamation on Apr. 10, 1815.)

# Cancellation of Register.

R. S. 4174 (46 U. S. C. 43). Every certificate of registry which is delivered up to a collector on the loss, destruction, or capture of a vessel, or the transfer thereof to a foreigner, shall be forthwith transmitted to the Director of the Bureau of Marine Inspection and Navigation to be canceled; who, if the same shall have been delivered up to a collector other than of the district in which it was granted, shall cause notice of such delivery to be given to the collector of such district. (July 5, 1884, sec. 2; June 30, 1932, sec. 501; May 27, 1936, sec. 1.)

## Qualifications for and Method of Enrollment and License.

R. S. 4312 (46 U. S. C. 252). In order for the enrollment of any vessel, she shall possess the same qualifications, and the same requirements in all respects shall be complied with, as are required before registering a vessel; and the same powers and duties are conferred and imposed upon all officers, respectively, and the same proceedings shall be had, in enrollment of vessels as are prescribed for similar cases in registering; and vessels enrolled, with the masters or owners thereof, shall be subject to the same requirements as are prescribed for registered vessels.

Change of Trade; Issue of Temporary Document.

R. S. 4322 (46 U. S. C. 264). The collectors of the several districts may enroll and license any vessel that may be registered, upon such registry being given up, or may register any vessel that may be

enrolled, upon such enrollment and license being given up.

R. S. 4323 (46 U. S. C. 265). When any vessel shall be in any other district than the one to which she belongs, the collector of such district, on the application of the master thereof, and upon his taking an oath that, according to his best knowledge and belief, the property remains as expressed in the register or enrollment proposed to be given up, shall make the exchange of an enrollment for a register or a register for an enrollment; but in every such case, the collector to whom the register or enrollment and license may be given up shall transmit the same to the Director of the Bureau of Marine Inspection and Navigation; and the register, or enrollment and license, granted in lieu thereof, shall, within ten days after the arrival of such vessel within the district to which she belongs, be delivered to the collector of the district and be by him canceled. If the master shall neglect to deliver the register or enrollment and license within such time, he shall be liable to a penalty of \$100. (July 5, 1884, sec. 2; June 30, 1932, sec. 501; May 27, 1936, sec. 1.)

#### Oath of Master and Owner.

R. S. 4320 (46 U. S. C. 262). No licensed vessel shall be employed in any trade whereby the revenue laws of the United States shall be defrauded. The master of every such vessel shall swear that he is a citizen of the United States, and that such license shall not be used for any other vessel or any other employment than that for which it was specially granted, or in any trade or business whereby the revenue of the United States may be defrauded; and if such vessels be less than twenty tons burden, the husband or managing owner shall swear that she is wholly the property of citizens of the United States; whereupon it shall be the duty of the collector of the district comprehending the port whereto such vessel may belong to grant a license. (Jan. 16, 1895, sec. 3.)

## Payment of Duties on Repairs to Vessel Condition Precedent to Documentation.

R. S. 4330 (46 U. S. C. 272). No license, or enrollment and license, nor renewal of either, shall hereafter be issued to any vessel until the collector to whom application is made for the same is satisfied, from the oath of the owner or master that all equipment and repairs, made in a foreign port within the year immediately preceding such application, have been duly accounted for, and the duties accruing thereon duly paid; and if such owner or master shall refuse to take such oath, or take it falsely, the vessel shall be seized and forfeited.

## Certification by Customs Officer.

R. S. 4332 (46 U. S. C. 274). In every case where the collector is by this Title [R. S. 4311 to 4390—46 U. S. C. 251 to 336] directed to grant any enrollment, license, certificate, permit, or other document \* \* \*; and every surveyor who certifies a manifest, or grants any permit, or who receives any certified manifest, or any

permit, as is provided for in this Title, shall make return thereof monthly, or sooner, if it can conveniently be made, to the collector of the district where such surveyor resides. (June 17, 1930, sec. 523.)

#### Enrollment Outside of District.

R. S. 4328 (46 U. S. C. 270). Whenever it becomes necessary for the owner of any vessel of the United States navigating the waters of the United States, and being in a district other than that to which such vessel belongs, to procure her enrollment and license, or license, or renewal thereof, the same proceedings may be had in the district in which the vessel then is, as are required by law on application for such enrollment and license, or license, or renewal thereof, as the case may be, in the district to which such vessel belongs, excepting the enrollment and issuance of license; and the officer before whom such proceeding is had shall certify the same to the collector of the district to which such vessel belongs, who shall thereupon duly enroll the vessel and issue license in the same form as if the application had originally been made in his office; and shall either deliver the license to the owner or forward it by mail to the officer who certified to him the preliminary proceedings; and in the latter case, such officer shall deliver the license to the owner or master of the vessel. (Apr. 17, 1874.)

## Inspection of Register, Enrollment, and License.

R. S. 4336 (46 U. S. C. 277). Any officer concerned in the collection of the revenue may at all times inspect the register or enrollment or license of any vessel or any document in lieu thereof; and if the master of any such vessel shall not exhibit the same, when required by such officer, he shall be liable to a penalty of \$100, unless the failure to do so is willful in which case he shall be liable to a penalty of \$1,000 and to a fine of not more than \$1,000 or imprisonment for not more than one year, or both. (Aug. 5, 1935, sec. 312.)

#### Form of Enrollment.

R. S. 4319 (46 U. S. C. 259). The record of the enrollment of a vessel shall be made, and an abstract or copy thereof granted, as nearly as may be in the following form: "Enrollment. In conformity to Title L [R. S. 4311-4390], 'REGULATION OF VESSELS IN DOMESTIC COMMERCE', of the Revised Statutes of the United States (inserting here the name of the person, with his occupation and place of abode, by whom the oath or affirmation is to be made), having taken and subscribed the oath (or affirmation) required by law, and having sworn (or affirmed) that he (or she, and if more than one owner adding the words 'together with', and the name or names, occupation or occupations, place or places of abode of the owner or owners, and the part or proportion of such vessel belonging to each owner) is (or are) a citizen (or citizens) of the United States, and sole owner (or owners) of the ship or vessel called the (inserting here her name), of (inserting here the name of the port to which she may belong), whereof (inserting here the name of the master) is at present master, and is a citizen of the United States. and that the said ship or vessel was (inserting here when and where) built, and (inserting here the name and office, if any, of the person by whom she shall have been surveyed and measured), having certified that the said ship or vessel has (inserting here the number

of decks), and (inserting here the number of masts), and that her length is (inserting here the number of feet), her breadth (inserting here the number of feet), her depth (inserting here the number of feet), and that she measures (inserting here her number of tons); that she is (describing here the particular kind of vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else, together with her build, and specifying whether she has any or no gallery or head), and the said (naming the owner or the master, or other person acting in behalf of the owner or owners, by whom the certificate of measurement shall have been countersigned), having agreed to the description and measurement above specified, according to the said Title, the said ship or vessel has been duly enrolled at the port of (naming the port where enrolled). Given under my hand and seal, at (naming the said port), this (inserting the particular day) day of (naming the month), in the year (specifying the number of the year, in words, at length)." (Apr. 24, 1906.)

#### Enrollment and License Consolidated.

Apr. 24, 1906, sec. 1 (46 U. S. C. 260). Under the direction of the Secretary of Commerce the Director of the Bureau of Marine Inspection and Navigation is hereby authorized and directed from time to time to consolidate into one document in the case of any vessel of the United States the form of enrollment prescribed by section 4319 of the Revised Statutes and the form of license prescribed by section 4321 of the Revised Statutes, and such consolidated form shall hereafter be issued to a vessel of the United States in lieu of the separate enrollment and license now prescribed by law, and shall be deemed sufficient compliance with the requirements of laws relating to the subject. (Feb. 29, 1912; June 30, 1932, sec. 501; May 27, 1936, sec. 1.)

#### Form of license.

R. S. 4321 (46 U. S. C. 263). The form of a license for carrying on the coasting trade or fisheries shall be as follows:

"License for carrying on the (here insert 'coasting trade', 'whale fishery', 'mackerel fishery', or 'cod fishery', as the case may be).

"In pursuance of title L (Revised Statutes 4311-4390), 'Regulation of Vessels in Domestic Commerce', of the Revised Statutes of the United States (inserting here the name of the husband or managing owner, with his occupation and place of abode, and the name of the master, with the place of his abode), having sworn that the (insert here the description of the vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else she may be), called the (insert here the vessel's name), whereof the said (naming the master) is master, burden (insert here the number of tons, in words) tons, as appears by her enrollment, dated at (naming the district, day, month, and year, in words at length, but if she be less than twenty tons. insert, instead thereof, 'proof being had of her admeasurement'), shall not be employed in any trade, while this license shall continue in force, whereby the revenue of the United States shall be defrauded, and having also sworn (or affirmed) that this license shall not be used for any other vessel, or for any other employment, than is herein specified, license is hereby granted for the said (inserting here the description of the vessel) called the (inserting here the vessel's name), to be employed in carrying on the (inserting here 'coasting

trade, 'whale fishery,' 'mackerel fishery,' or 'cod fishery,' as the case may be), for one year from the date hereof, and no longer. Given under my hand and seal, at (naming the said district), this (inserting the particular day) day of (naming the month), in the year (specifying the number of the year in words at length);": Provided, That vessels of five net tons and over entitled under the laws of the United States to be enrolled and licensed or licensed for the coasting trade may be licensed for the "coasting trade and mackerel fishery" and shall be deemed to have sufficient license for engaging in the coasting trade and the taking of fish of every description, including shellfish: Provided further, That the provisions of sections 4364 and 4365. Revised Statutes of the United States (U. S. C., title 46, secs. 310 and 311), shall be, and are hereby, made applicable to vessels so licensed: And provided further, That vessels operating on the Great Lakes and their connecting and tributary waters under enrollment and license issued in conformity with the provisions of section 4318, Revised Statutes of the United States (U. S. C., title 46, sec. 258), shall be deemed to have sufficient license for engaging in the taking of fish of every description within such waters without change in the form of enrollment and license prescribed under the authority of (Apr. 24, 1906; May 20, 1936.) that section.

Method of Numbering Licenses; Renewal in Former Name.

R. S. 4333 (46 U. S. C. 275). The collector of each district shall progressively number the licenses by him granted, beginning anew at the commencement of each year, and shall make a record thereof in a book, to be by him kept for that purpose, and shall, once in three months, transmit to the Director of the Bureau of Marine Inspection and Navigation copies of the licenses which shall have been so granted by him; and also of such licenses as shall have been given up or returned to him, respectively, in pursuance of this Title [R. S. 4311-4390]. Whenever any vessel is licensed or enrolled anew, or being licensed or enrolled is afterward registered, or being registered is afterward enrolled or licensed, she shall, in every such case, be enrolled, licensed, or registered by her former name. (July 5, 1884; June 30, 1932, sec. 501; May 27, 1936, sec. 1.)

#### Duration of License.

R. S. 4324 (46 U. S. C. 266). No license, granted to any vessel, shall be considered in force any longer than such vessel is owned, and of the description set forth in such license, or for carrying on any other business or employment than that for which she is specially licensed.

Renewal of License; Surrender.

R. S. 4325 (46 U. S. C. 267). The license granted to any vessel shall be presented for renewal by endorsement to the collector of customs of the district in which the vessel then may be within three days after the expiration of time for which it was granted, or, if she be absent at that time, within three days from her first arrival within a district. In case of change of build, ownership, district, trade, or arrival under temporary papers in the district where she belongs the license shall be surrendered. If the master shall fail to deliver the license he shall be liable to a penalty of \$10. Such penalty on appli-

cation may be mitigated or remitted by the Secretary of Commerce. (Apr. 24, 1906, sec. 2; May 31, 1939.)

## Exemption From Penalty; Loss of License.

R. S. 4326 (46 U. S. C. 268). If such license, however, shall have been previously given up to the collector of any other district, as authorized by this Title [R. S. 4311-4390], and a certificate thereof under the hand of such collector be produced by such master, or if such license be lost, or destroyed, or unintentionally mislaid so that it cannot be found, and the master of such vessel shall make and subscribe an oath that such license is lost, destroyed, or unintentionally mislaid, as he verily believes, and that the same, if found, shall be delivered up, as is herein required, then the penalty prescribed in the preceding section shall not be incurred. If such license shall be lost, destroyed, or unintentionally mislaid, before the expiration of the time for which it was granted, upon the like oath being made and subscribed by the master of such vessel, the collector, upon application being made therefor, shall license such vessel anew.

#### Return and Cancellation.

R. S. 4327 (46 U. S. C. 269). The owner of any licensed vessel may return such license to the collector who granted the same at any time within the year for which it was granted; and thereupon the collector shall cancel the same, and shall license such vessel anew, upon the application of the owner and upon the conditions hereinbefore required being complied with.

## Enrollment and License to Corporation.

. R. S. 4313 (46 U. S. C. 253). Enrollments and licenses for vessels owned by any incorporated company may be issued in the name of the president or secretary of such company; and such enrollments or licenses shall not be vacated or affected by any sale of shares of stock in such company.

# Authorization to Corporate Officers.

R. S. 4314 (46 U. S. C. 254). Previous to granting enrollment and license for any vessel owned by any incorporated company or by an individual or individuals the president or secretary of such company, or any other officer or agent thereof, duly authorized by said company in writing, attested by the corporate seal thereof, to act in its behalf, or the managing owner, or his agent duly authorized by power of attorney, when such vessel is owned by an individual or individuals, shall swear to the ownership of such vessel without designating the names of the persons composing such company, when such vessel is owned by a corporation, which oath shall be deemed sufficient without requiring the oath of any other person interested or concerned in such vessel. (June 24, 1902, sec. 2.)

# Renewal of License Upon Death of Corporate Officer.

R. S. 4315 (46 U. S. C. 255). Upon the death, removal, or resignation of the president or secretary of any incorporated company owning any steamboat or vessel, a new enrollment and license shall be taken out for such steamboat or vessel.

Change of Owner of Enrolled Vessel.

R. S. 4329 (46 U. S. C. 271). Whenever it appears by satisfactory proof to the Secretary of Commerce (Director of the Bureau of Marine Inspection and Navigation) that any vessel has been sold and transferred by process of law, and that the certificate of enrollment or license of such vessel is retained by the former owner, the Secretary (Director) may direct the collector of the district to which such vessel belongs to grant a new certificate of enrollment or license, on the owner's, under such sale, complying with such terms and conditions as are by law required for granting of such papers, excepting only the delivering up of the former certificate of enrollment or license. But nothing in this section shall be construed to remove the liability of any person to any penalty for not surrendering up the papers belonging to any vessel on a transfer or sale of the same. (July 5, 1884; June 30, 1932, sec. 501; May 27, 1936, sec. 1.)

Change of Master of Licensed Vessels.

R. S. 4335 (46 U. S. C. 276). "(a) Whenever the master of any licensed vessel, ferryboats excepted, is changed, the new master, or, in case of his absence, the owner or one of the owners thereof, shall report such change to the collector residing at the port where the same happens, if there be one; otherwise, to the collector residing at any port where such vessel next arrives, who, upon the oath of such new master, or, in case of his absence, of the owner, that such master is a citizen of the United States, and that such vesel shall not, while such license continues in force, be employed in any manner whereby the revenue of the United States may be defrauded, shall endorse such change on the license, with the name of the new master. Whenever such change is not reported, and endorsed, as herein required, such vessel, if found carrying on the coasting trade or fisheries, shall be subject to pay the same fees and tonnage as a vessel of the United States having a register, and the new master shall be liable to a penalty of \$10: Provided, That the Secretary of Commerce may authorize the endorsement of not more than two alternate masters in addition to the one already endorsed on the license, whenever in his judgment the condition of employment of the vessel warrants such action: Provided further, That in the case of vessels navigated within the limits of the harbor of any town or city, the name of the owner or some responsible person acting for the owner who otherwise meets all requirements of the laws of the United States with regard to masters, may be endorsed on the license of such vessel, although not actually employed thereon, in accordance with rules and regulations prescribed by the Secretary of Commerce: And provided further, That in the case of unrigged vessels which are not required by law to have on board a certificate of inspection, the name of the owner or any responsible person acting for the owner who otherwise meets all requirements of the laws of the United States with regard to masters, may be endorsed on the license of such unrigged vessel although not actually employed on board the vessel.

"(b) In the case of those vesesls on the licenses of which there are endorsed the names of more than one master, the master actually in charge of the vessel shall assume all of the duties and responsibilities imposed by any statute upon masters of vessels, and incur the liabilities provided by any law against masters of vessels during any period in which he is in charge of the vessel.

"(c) The term 'unrigged vessel' as used herein, means any vessel

that is not self-propelled." (May 31, 1939.)

## Penalty for Undocumented Vessel Engaging in Trade.

June 19, 1886, sec. 7 (46 U. S. C. 319). Every vessel of twenty tons or upward, entitled to be documented as a vessel of the United States, other than registered vessels, found trading between district and district, or between different places in the same district, or carrying on the fishery, without being enrolled and licensed, and every vessel of less than twenty tons and not less than five tons burden found trading or carrying on the fishery as aforesaid without a license obtained as provided by this title shall be liable to a fine of \$30 at every port of arrival without such enrollment or license, and if she have on board any merchandise of foreign growth or manufacture (sea stores excepted), or any taxable domestic spirits, wines, or other alcoholic liquors, on which the duties or taxes have not been paid or secured to be paid, she shall, together with her tackle, apparel and furniture, and the lading found on board, be forfeited. Marks, labels, brands, or stamps, indicative of foreign origin, upon or accompanying merchandise or containers of merchandise found on board such vessel, shall be prima facie evidence of the foreign origin of such merchandise. But if the license shall have expired while the vessel was at sea, and there shall have been no opportunity to renew such license, then said fine or forfeiture shall not be incurred. (Aug. 5, 1935, sec. 314. See sec. 27, Merchant Marine Act, 1920, p. 265.)

June 19, 1886, sec. 9 (46 U. S. C. 320). The fines imposed by sections 5, 6, 7, and 8 of this Act [46 U. S. C. 45, 77, 289, 319] shall be subject to remission or mitigation by the Secretary of Commerce when the offense was not wilfully committed, under such regulations and methods of ascertaining the facts as may seem to him advisable.

# Record of American-Built Vessels Owned by Aliens.

R. S. 4180 (46 U. S. C. 54). Every vessel built in the United States, and belonging wholly or in part to the subjects of foreign powers, in order to be entitled to the benefits of a ship built and recorded in the United States, shall be recorded in the office of the collector of the district in which such vessel was built, in the manner following: The builder of every such vessel shall make oath before the collector of such district in manner following: "I (inserting here the name of such builder), of (inserting here the place of his residence), shipwright, do swear (or affirm) that (describing here the kind of vessel, as whether ship, brig, snow, schooner, sloop, or whatever else) named (inserting here the name of the ship or vessel), having (inserting here the number of decks), and being in length (inserting here the number of feet), in breadth (inserting here the number of feet), in depth (inserting here the number of feet), and measuring (inserting here the number of tons), having (specifying whether any or no) gallery, and (also specifying whether any or no) head, was built by me or under my direction at (naming the place, county, and State), in the United States, in the year (inserting here the number of the

year)." Which oath shall be subscribed by the person making the same, and shall be recorded in a book to be kept by the collector for that purpose.

#### Certificate of Admeasurement.

R. S. 4181 (46 U. S. C. 73). The collector shall cause the vessel so built to be surveyed or measured, and the person by whom such measurement is made shall grant a certificate thereof, as in the case of a vessel to be registered, which certificate shall be countersigned by the builder, and by an owner or the master or person having the command or charge thereof, or by some other person being an agent for the owner thereof, in testimony of the truth of the particulars therein contained.

#### Form of Certificate of Record.

R. S. 4182 (46 U. S. C. 55). A certificate of the record, attested under the hand and seal of the collector, shall be granted to the master of every such vessel, as nearly as may be, of the form following: "In pursuance of chapter one, Title XLVIII [R. S. 4131-4305], 'REGULATION OF COMMERCE AND NAVIGATION', of the Revised Statutes of the United States, I (inserting here the name of the collector of the district), of (inserting here the name of the district), in the United States, do certify that (inserting here the name of the builder), of (inserting here the place of his residence, county, and State), having sworn (or affirmed) that the (describing the ship or vessel, as in the certificate of record) named (inserting here her name), whereof (inserting here the name of the master) is, at present, master, was built at (inserting here the name of the place, county, and State where built), by him or under his direction, in the year (inserting here the number of the year); and (inserting here the name of the surveyor or other person, by whom the measurement shall have been made) having certified that the said ship or vessel has (inserting here her number of decks), is in length (inserting here the number of feet), in breadth (inserting here the number of feet), in depth (inserting here the number of feet), and measures (inserting here the number of tons): And the said builder and (naming and describing the owner, or master, or agent for the owner or owners, as the case may be, by whom the said certificate shall have been countersigned) having agreed to the said description and admeasurement, the said vessel has been recorded, in the district of (inserting here the name of the district where recorded), in the United States. Witness my hand and seal this (inserting here the day of the month) day of (inserting here the name of the month), in the year (inserting here the number of the year)." Which certificate shall be recorded in the office of the collector, and a duplicate thereof transmitted to the Director of the Bureau of Marine Inspection and Navigation to be recorded in his office. (July 5, 1884; June 30, 1932, sec. 501; May 27, 1936, sec. 1.)

# Change of Masters of Recorded Vessels.

R. S. 4183 (46 U. S. C. 56). Whenever the master or the name of a vessel so recorded is changed, the owner, part owner, or consignee of such vessel shall cause a memorandum thereof to be indorsed on the certificate of the record, by the collector of the district where such

vessel may be, or at which she shall first arrive if such change took place in a foreign country; and a copy thereof shall be entered in the book of records, a transcript whereof shall be transmitted by the collector to the collector of the district where such certificate was granted, if not the same person, who shall enter the same in his book of records, and forward a duplicate of such entry to the Director of the Bureau of Marine Inspection and Navigation; and in such case, until the owner, part owner, or consignee shall cause the memorandum to be made by the collector, in the manner above prescribed, such vessel shall not be deemed a vessel recorded, in pursuance of this Title [R. S. 4131-4305]. (July 5, 1884; June 30, 1932, sec. 501; May 27, 1936, sec. 1.)

## Delivery of Certificate of Record on Entry.

R. S. 4184 (46 U. S. C. 57). The master or other person having the command or charge of any vessel, recorded in pursuance of this Title [R. S. 4131-4305], shall, on entry of such vessel, produce the certificate of such record to the collector of the district where she is so entered; and in default thereof the vessel shall not be entitled to the privileges of a recorded vessel.

## Offenses Against the Registry Law.

R. S. 4187 (46 U. S. C. 58). Every collector or officer who knowingly makes, or is concerned in making, any false register or record, or who knowingly grants or is concerned in granting, any false certificate of registry or record of or for any vessel, or any other false document whatever touching the same, contrary to the true intent and meaning of this Title [R. S. 4131-4305], or who receives any voluntary reward or gratuity for any of the services performed, pursuant thereto; and every surveyor or other person appointed to measure any vessel, who willfully delivers to any collector a false description of such vessel, to be registered or recorded, shall be punishable by a fine of \$1,000, and be rendered incapable of serving in any office of trust or profit under the United States.

# PENALTY FOR NON-FEASANCE

R. S. 4188 (46 U. S. C. 59). If any person authorized and required by this Title [R. S. 4131-4305] to perform, as an officer, any act or thing, willfully neglects to do or perform the same, according to the true intent and meaning of this Title, he shall, if not subject to the penalty and disqualification prescribed in the preceding section, be punishable by a fine of \$500 for the first offense, and by a like fine for the second offense, and shall thenceforth be rendered incapable of holding any office of trust or profit under the United States.

#### PENALTY FOR FRAUDULENT REGISTRY

R. S. 4189 (46 U. S. C. 60). Whenever any certificate of registry, enrollment, or license, or other record or document granted in lieu thereof, to any vessel, is knowingly and fraudulently obtained or used for any vessel, such vessel, with her tackle, apparel, and furniture, shall be liable to forfeiture. (Aug. 5, 1935, sec. 310.)

Sea Letters.3

R. S. 4190 (46 U. S. C. 61). No sea letter or other document certifying or proving any vessel to be the property of a citizen of the United States shall be issued, except to vessels duly registered, or enrolled and licensed as vessels of the United States, or to vessels which shall be wholly owned by citizens of the United States, and furnished with or entitled to sea letters or other customhouse documents.

Penalty for Counterfeiting Sea Letters; Mediterranean Passports; Certificates of Registry.

R. S. 4191 (46 U. S. C. 62). Every person who knowingly makes, utters, or publishes any false sea letter, Mediterranean passport, or certificate of registry, or who knowingly avails himself of any such Mediterranean passport, sea letter, or certificate of registry, shall be liable to a penalty of not more than \$5,000, and, if an officer of the United States, shall thenceforth be incapable of holding any office of trust or profit under the authority of the United States.

Offenses Against Enrollment and License Laws.

R. S. 4373 (46 U. S. C. 321). Every collector, who knowingly makes any record of enrollment or license of any vessel, and every other officer, or person, appointed by or under them, who makes any record, or grants any certificate or other document whatever, contrary to the true intent and meaning of this Title [R. S. 4311-4390], or takes any other or greater fees than are by this Title allowed, or receives for any service performed pursuant to this Title, any reward or gratuity, and every surveyor, or other person appointed to measure vessels, who willfully delivers to any collector or Comptroller of Customs a false description of any vessel, to be enrolled or licensed, in pursuance of this Title, shall be liable to a penalty of \$500, and be rendered incapable of serving in any office of trust or profit under the United States.

#### PENALTY FOR NON-FEASANCE

R. S. 4374 (46 U. S. C. 322). Every person, authorized and required by this Title [R. S. 4311-4390] to perform any act or thing as an officer, who willfully neglects or refuses to do and perform the same, according to the true intent and meaning of this Title, shall, if not subject to the penalty and disqualifications prescribed in the preceding section, be liable to a penalty of \$500 for the first offense, and of a like sum for the second offense, and shall, after conviction for the second offense, be rendered incapable of holding any office of trust or profit under the United States.

## PENALTY FOR FORGERY AND ALTERATION

R. S. 4375 (46 U. S. C. 323). Every person who forges, counterfeits, erases, alters, or falsifies any enrollment, license, certificate, permit, or other document, mentioned or required in this Title [R. S.

<sup>&</sup>lt;sup>3</sup> The use of sea letters was discontinued by Presidential Proclamation on April 10, 1815, and the last sea letter was issued at the Port of New York on December 24, 1806.

4311-4390], to be granted by any officer of the revenue, such person, so offending shall be liable to a penalty of \$500.

## PENALTY FOR OBSTRUCTING OFFICERS

R. S. 4376 (46 U. S. C. 324). Every person who assaults, resists, obstructs, or hinders any officer in the execution of any Act or law relating to the enrollment, registry, or licensing of vessels, or of this Title [R. S. 4311-4390], or of any of the powers or authorities vested in him by any such Act or law, shall, for every such offense for which no other penalty is particularly provided, be liable to a penalty of \$500.

## Chapter VIII.—SHIP MORTGAGES

#### Definitions.

June 5, 1920, sec. 30 (46 U. S. C. 911). Subsection B. When used in this section—

(1) The term "document" includes registry and enrollment and

license:

(2) The term "documented" means registered or enrolled or licensed under the laws of the United States, whether permanently or temporarily.

(3) The term "port of documentation" means the port at which

the vessel is documented in accordance with law;

(4) The term "vessel of the United States" means any vessel documented under the laws of the United States and such vessel shall be held to continue to be so documented until its documents are surrendered with the approval of the board; and

(5) The term "mortgagee" in the case of a mortgage involving a trust deed and a bond issue thereunder means the trustee designated

in such deed.

## Sale, Conveyance, or Mortgage of Vessel of the United States; record.

June 5, 1920, sec. 30 (46 U.S. C. 921). Subsection C. (a) No sale, conveyance, or mortgage which, at the time such sale, conveyance, or mortgage is made, includes a vessel of the United States, or any portion thereof, as the whole or any part of the property sold, conveyed, or mortgaged shall be valid, in respect to such vessel, against any person other than the grantor or mortgagor, his heir or devisee, and a person having actual notice thereof, until such bill of sale, conveyance, or mortgage is recorded in the office of the collector of customs of the port of documentation of such vessel, as provided in subdivision (b) of this subsection.

(b) Such collector of customs shall record bills of sale, conveyances, and mortgages, delivered to him, in the order of their reception,

in books to be kept for that purpose and indexed to show—

(1) The name of the vessel;

(2) The names of the parties to the sale, conveyance, or mortgage;

(3) The time and date of reception of the instrument;

(4) The interest in the vessel so sold, conveyed, or mortgaged; and

(5) The amount and date of maturity of the mortgage.

# Preferred Mortgages.

JUNE 5, 1920, sec. 30 (46 U. S. C. 922). Subsection D. (a) A valid mortgage which at the time it is made, includes the whole of any vessel of the United States (other than a towboat, barge, scow, lighter, car float, canal boat, or tank vessel, of less than two hundred gross tons), shall, in addition, have, in respect to such vessel and as of the date of the compliance with all the provisions of this subdivision, the preferred status given by the provisions of subsection M, if—

(1) The mortgage is endorsed upon the vessel's documents in accordance with the provisions of this section;

(2) The mortgage is recorded as provided in subsection C, together

with the time and date when the mortgage is so endorsed;

(3) An affidavit is filed with the record of such mortgage to the effect that the mortgage is made in good faith and without any design to hinder, delay, or defraud any existing or future creditor of the mortgagor or any lienor of the mortgaged vessel;

(4) The mortgage does not stipulate that the mortgagee waives the

preferred status thereof; and

- (5) The mortgagee is a citizen of the United States and for the purposes of this act the Reconstruction Finance Corporation shall, in addition to those designated in sections 37 and 38 of this act, be deemed a citizen of the United States.
- (b) Any mortgage which complies in respect to any vessel with the conditions enumerated in this subsection is hereafter in this section called a "preferred mortgage" as to such vessel.

(c) There shall be indorsed upon the documents of a vessel covered

by a preferred mortgage—

(1) The names of the mortgager and mortgagee;(2) The time and date the indorsement is made;

(3) The amount and date of maturity of the mortgage; and

(4) Any amount required to be indersed by the provisions of subdivision (e) or (f) of this subsection.

(d) Such indorsement shall be made (1) by the collector of customs of the port of documentation of the mortgaged vessel, or (2) by the collector of customs of any port in which the vessel is found, if such collector is directed to make the indorsement by the collector of customs of the port of documentation; and no clearance shall be issued to the vessel until such indorsement is made. The collector of customs of the port of documentation shall give such direction by wire or letter at the request of the mortgagee and upon the tender of the cost of communication of such direction. Whenever any new document is issued for the vessel, such indorsement shall be transferred to and indorsed upon the new document by the collector of customs.

(e) A mortgage which includes property other than a vessel shall not be held a preferred mortgage unless the mortgage provides for the separate discharge of such property by the payment of a specified portion of the mortgage indebtedness. If a prefered mortgage so provides for the separate discharge, the amount of the portion of such payment shall be indorsed upon the documents of the vessel.

(f) If a preferred mortgage includes more than one vessel and provides for the separate discharge of each vessel by the payment of a portion of the mortgage indebtedness, the amount of such portion of such payment shall be indorsed upon the documents of the vessel. In case such mortgage does not provide for the separate discharge of a vessel and the vessel is to be sold upon the order of a district court of the United States in a suit in rem in admiralty, the court shall determine the portion of the mortgage indebtedness increased by 20 per centum (1) which, in the opinion of the court, the approximate value of the vessel bears to the approximate value of all the vessels covered by the mortgage, and (2) upon the payment of which the vessel shall be discharged from the mortgage. (June 27, 1935.)

Certified Copies of Mortgage; Exhibition.

June 5, 1920, sec. 30 (46 U. S. C. 923). Subsection E. The collector of customs upon the recording of a preferred mortgage shall deliver two certified copies thereof to the mortgagor who shall place, and use due diligence to retain, one copy on board the mortgaged vessel and cause such copy and the documents of the vessel to be exhibited by the master to any person having business with the vessel, which may give rise to a maritime lien upon the vessel or to the sale, conveyance, or mortgage thereof. The master of the vessel shall, upon the request of any such person, exhibit to him the documents of the vessel and the copy of any preferred mortgage of the vessel placed on board thereof.

Prior and Subsequent Maritime Liens on Mortgaged Vessel.

June 5, 1920, sec. 30 (46 U. S. C. 924). Subsection F. The mortgagor (1) shall, upon request of the mortgagee, disclose in writing to him prior to the execution of any preferred mortgage, the existence of any maritime lien, prior mortgage, or other obligation or liability upon the vessel to be mortgaged, that is known to the mortgagor, and (2), without the consent of the mortgagee, shall not incur, after the execution of such mortgage and before the mortgagee has had a reasonable time in which to record the mortgage and have indorsements in respect thereto made upon the documents of the vessel, any contractual obligation creating a lien upon the vessel other than a lien for wages of stevedores when employed directly by the owner, operator, master, ship's husband, or agent of the vessel, for wages of the crew of the vessel, for general average, or for salvage, including contract salvage, in respect to the vessel.

Record of Notice of Claim of Lien on Mortgaged Vessel; Discharge of Lien.

June 5, 1920, sec. 30 (46 U.S. C. 925). Subsection G. (a) The collector of customs of the port of documentation shall, upon the request of any person, record notice of his claim of a lien upon a vessel covered by a preferred mortgage, together with the nature, date of creation, and amount of the lien, and the name and address of the person. Any person who has caused notice of his claim of lien to be so recorded shall, upon a discharge in whole or in part of the indebtedness, forthwith file with the collector of customs a certificate of such discharge. The collector of customs shall thereupon record the certificate.

(b) The mortgagor, upon a discharge in whole or in part of the mortgage indebtedness, shall forthwith file with the collector of customs for the port of documentation of the vessel, a certificate of such discharge. Such collector of customs shall thereupon record the certificate. In case of a vessel covered by a preferred mortgage, the collector of customs at the port of documentation shall (1) indorse upon the documents of the vessel, or direct the collector of customs at any port in which the vessel is found, to so indorse, the fact of such discharge, and (2) shall deny clearance to the vessel until such indorsement is made.

Conditions Precedent to Record; Interest on Preferred Mortgage.

June 5, 1920, sec. 30 (46 U.S. C. 926). Subsection H. (a) No bill of sale, conveyance, or mortgage shall be recorded unless it states the

interest of the grantor or mortgagor in the vessel, and the interest so

sold, conveyed, or mortgaged.

(b) No bill of sale, conveyance, mortgage, notice of claim of lien, or certificate of discharge thereof, shall be recorded unless previously acknowledged before a notary public or other officer authorized by a law of the United States, or of a State, Territory, District, or posses-

sion thereof, to take acknowledgment of deeds.

(c) In case of a change in the port of documentation of a vessel of the United States, no bill of sale, conveyance, or mortgage shall be recorded at the new port of documentation unless there is furnished to the collector of customs of such port, together with the copy of the bill of sale, conveyance, or mortgage to be recorded, a certified copy of the record of the vessel at the former port of documentation furnished by the collector of such port. The collector of customs at the new port of documentation is authorized and directed to record such certified copy.

(d) A preferred mortgage may bear such rate of interest as is

agreed by the parties thereto.

Inspection of and Copies From Records; Fees.

June 5, 1920, sec. 30 (46 U.S. C. 927). Subsection I. Each collector of customs shall permit records made under the provisions of this section to be inspected during office hours, under such reasonable regulations as the collector may establish. Upon the request of any person the collector of customs shall furnish him from the records of the collector's office (1) a certificate setting forth the name of the owners of any vessel, the interest held by each owner, and the material facts as to any bill of sale or conveyance of, any mortgage covering, or any lien or other incumbrance upon, a specified vessel, (2) a certified copy of any bill of sale, conveyance, mortgage, notice of claim of lien, or certificate of discharge in respect to such vessel, or (3) a certified copy as required by sub-division (c) of subsection H. The collector of customs shall collect a fee for any bill of sale, conveyance, or mortgage recorded, or any certificate or certified copy furnished, by him, in the amount of 20 cents a folio with a minimum charge of \$1.00. All such fees shall be covered into the Treasury of the United States as miscellaneous receipts.

Failure of Master to Exhibit Documents; Unlawful Acts by Mortgagor; Liability of Collector of Customs.

June 5, 1920, sec 30 (46 U.S. C. 941). Subsection J. (a) If the master of the vessel willfully fails to exhibit the documents of the vessel or the copy of any preferred mortgage thereof, as required by subsection E, the board of local inspectors of vessels having jurisdiction of the license of the master may suspend or cancel such license, subject to the provisions of "An Act to provide for appeals from decision of boards of local inspectors of vessels and for other purposes", approved June 10, 1918.

(b) A mortgagor who, with intent to defraud, violates any provision of subsection F, and if the mortgagor is a corporation or association, the president or other principal executive officer of the corporation or association, shall upon conviction thereof be held guilty of a misdemeanor and shall be fined not more than \$1,000 or

imprisoned not more than 2 years, or both. The mortgaged indebtedness shall thereupon become immediately due and payable at the

election of the mortgagee.

(c) If any person enters into any contract secured by, or upon the credit of, a vessel of the United States covered by a preferred mortgage, and suffers pecuniary loss by reason of the failure of the collector of customs, or any officer, employee, or agent thereof, properly to perform any duty required of the collector under the provisions of this section, the collector of customs shall be liable to such person for damages in the amount of such loss. If any such person is caused any such loss by reason of the failure of the mortgagor, or master of the mortgaged vessel, or any officer, employee, or agent thereof, to comply with any provision of subsection E or F or to file an affidavit as required by subdivision (a) of subsection D, correct in each particular thereof, the mortgagor shall be liable to such person for damages in the amount of such loss. The district courts of the United States are given jurisdiction (but not to the exclusion of the courts of the several States, Territories, Districts, or possessions) of suits for the recovery of such damages, irrespective of the amount involved in the suit or the citizenship of the parties thereto. Such suit shall be begun by personal service upon the defendant within the limits of the district. Upon judgment for the plaintiff in any such suit, the court shall include in the judgment an additional amount for costs of the action and a reasonable counsel's fee, to be fixed by the court.

## Lien of Preferred Mortgage; Foreclosure; Jurisdiction; Procedure.

June 5, 1920, sec. 30 (46 U. S. C. 951). Subsection K. ferred mortgage shall constitute a lien upon the mortgaged vessel in the amount of the outstanding mortgage indebtedness secured by such vessel. Upon the default of any term or condition of the mortgage, such lien may be enforced by the mortgagee by suit in rem in admiralty. Original jurisdiction of all such suits is granted to the district courts of the United States exclusively. In addition to any notice by publication, actual notice of the commencement of any such suit shall be given by the libellant, in such manner as the court shall direct, to (1) the master, other ranking officer, or caretaker of the vessel, and (2) any person who has recorded a notice of claim of an undischarged lien upon the vessel, as provided in subsection G, unless after search by the libellant satisfactory to the court, such mortgagor, master, other ranking officer, caretaker, or claimant is not found within the United States. Failure to give notice to any such person, as required by this subsection, shall not constitute a jurisdictional defect; but the libellant shall be liable to such person for damages in the amount of his interest in the vessel terminated by the suit. Suit in personam for the recovery of such damages may be brought in accordance with the provisions of subdivision (c) of subsection J.

# Receiver in Foreclosure; Possession by Marshal.

June 5, 1920, sec. 30 (46 U. S. C. 952). Subsection L. In any suit in rem in admiralty for the enforcement of the preferred mortgage lien, the court may appoint a receiver and, in its discretion, authorize the receiver to operate the mortgaged vessel. The marshal

may be authorized and directed by the court to take possession of the mortgaged vessel notwithstanding the fact that the vessel is in the possession or under the control of any person claiming a possessory common-law lien.

#### Preferred Maritime Lien; Priorities; Other Liens.

June 5, 1920, sec. 30 (46 U. S. C. 953). Subsection M. (a) When used hereinafter in this section, the term "preferred maritime lien" means (1) a lien arising prior in time to the recording and indorsement of a preferred mortgage in accordance with the provisions of this section; or (2) a lien for damages arising out of tort, for wages of a stevedore when employed directly by the owner, operator, master, ship's husband, or agent of the vessel, for wages of the crew of the vessel, for general average, and for salvage, including contract

salvage.

(b) Upon the sale of any mortgaged vessel by order of a district court of the United States in any suit in rem in admiralty for the enforcement of a preferred mortgage lien thereon, all preexisting claims in the vessel, including any possessory common-law lien of which a lienor is deprived under the provisions of subsection L shall be held terminated and shall thereafter attach, in like amount and in accordance with their respective priorities, to the proceeds of the sale; except that the preferred mortgage lien shall have priority over all claims against the vessel, except (1) preferred maritime liens, and (2) expenses and fees allowed and costs taxed by the court.

## Suits in Personam in Admiralty on Default.

June 5, 1920, sec. 30 (46 U.S. C. 954). Subsection N. (a) Upon the default of any term or condition of a preferred mortgage upon a vessel, the mortgagee may, in addition to all other remedies granted by this section, bring suit in personam in admiralty in a district court of the United States, against the mortgagor for the amount of the outstanding mortgage indebtedness secured by such vessel or any deficiency in the full payment thereof.

(b) This section shall not be construed, in the case of a mortgage covering, in addition to vessels, realty or personalty other than vessels, or both, to authorize the enforcement by suit in rem in admiralty of the rights of the mortgagee in respect to such realty or personalty

other than vessels.

Surrender of Documents; Termination of Mortgagee's Interest; Sale of Mortgaged Vessel.

June 5, 1920, sec. 30 (46 U. S. C. 961). Subsection O. (a) The documents of a vessel of the United States covered by a preferred mortgage may not be surrendered (except in the case of the forfeiture of the vessel or its sale by the order of any court of the United States or any foreign country) without the approval of the board. The board shall refuse such approval unless the mortgagee consents to such surrender.

(b) The interest of the mortgagee in a vessel of the United States covered by a mortgage shall not be terminated by the forfeiture of the vessel for a violation of any law of the United States unless the mortgagee authorized, consented, or conspired to effect the illegal act,

failure, or omission which constituted such violation.

(c) Upon the sale of any vessel of the United States covered by a preferred mortgage, by order of a district court of the United States in any suit in rem in admiralty for the enforcement of a maritime lien other than a preferred maritime lien, the vessel shall be sold free from all preexisting claims thereon; but the court shall, upon the request of the mortgagee, the libellant, or any intervenor, require the purchaser at such sale to give and the mortgagee to accept a new mortgage of the vessel for the balance of the term of the original mortgage. The conditions of such new mortgage shall be the same, so far as practicable, as those of the original mortgage and shall be subject to the approval of the court. If such new mortgage is given, the mortgagee shall not be paid from the proceeds of the sale and the amount payable as the purchase price shall be held diminished in the amount of the new mortgage indebtedness.

(d) No rights under a mortgage of a vessel of the United States shall be assigned to any person not a citizen of the United States without the approval of the board. Any assignment in violation of

any provision of this section shall be void.

(e) No vessel of the United States shall be sold by order of a district court of the United States in any suit in rem in admiralty to any person not a citizen of the United States.

#### Persons Entitled to Lien.

June 5, 1920, sec. 30 (46 U. S. C. 971). Subsection P. Any person furnishing repairs, supplies, towage, use of dry dock or marine railway, or other necessaries, to any vessel, whether foreign or domestic, upon the order of the owner of such vessel, or of a person authorized by the owner, shall have a maritime lien on the vessel, which may be enforced by suit in rem, and it shall not be necessary to allege or prove that credit was given to the vessel.

# Persons Authorized to Procure Repairs, Supplies, and Necessaries.

June 5, 1920, sec. 30 (46 U. S. C. 972). Subsection Q. The following persons shall be presumed to have authority from the owner to procure repairs, supplies, towage, use of dry dock or marine railway, and other necessaries for the vessel: The managing owner, ship's husband, master, or any person to whom the management of the vessel at the port of supply is entrusted. No person tortiously or unlawfully in possession or charge of a vessel shall have authority to bind the vessel.

# Notice to Person Furnishing Repairs, Supplies, and Necessaries.

June 5, 1920, sec. 30 (46 U. S. C. 973). Subsection R. The officers and agents of a vessel specified in subsection Q shall be taken to include such officers and agents when appointed by a charterer, by an owner pro hac vice, or by an agreed purchaser in possession of the vessel; but nothing in this section shall be construed to confer a lien when the furnisher knew, or by exercise of reasonable diligence could have ascertained, that because of the terms of a charter party, agreement for sale of the vessel, or for any other reason, the person ordering the repairs, supplies, or other necessaries was without authority to bind the vessel therefor.

#### Waiver of Right to Lien.

June 5, 1920, sec. 30 (46 U. S. C. 974). Subsection S. Nothing in this section shall be construed to prevent the furnisher of repairs, supplies, towage, use of dry dock or marine railway, or other necessaries, or the mortgagee, from waiving his right to a lien, or in the case of a preferred mortgage lien, to the preferred status of such lien, at any time, by agreement or otherwise; and this section shall not be construed to affect the rules of law now existing in regard to (1) the right to proceed against the vessel for advances, (2) laches in the enforcement of liens upon vessels, (3) the right to proceed in personam, (4) the rank of preferred maritime liens among themselves, or (5) priorities between maritime liens and mortgages, other than preferred mortgages, upon vessels of the United States.

## State Statutes Superseded.

JUNE 5, 1920, sec. 30 (46 U. S. C. 975). Subsection T. This section shall supersede the provisions of all State statutes conferring liens on vessels, in so far as such statutes purport to create rights of action to be enforced by suits in rem in admiralty against vessels for repairs, supplies, towage, use of dry dock or marine railway, and other necessaries.

## Existing Mortgages Not Affected.

JUNE 5, 1920, sec. 30 (46 U. S. C. 981). Subsection U. This Section shall not apply (1) to any existing mortgage, or (2) to any mortgage hereafter placed on any vessel now under an existing mortgage, so long as such existing mortgage remains undischarged.

#### Books for Collectors of Customs.

June 5, 1920, sec. 30 (46 U.S. C. 982). Subsection V. The Secretary of Commerce is authorized and directed to furnish collectors of customs with all necessary books and records, and with certificates of registry and of enrollment and license in such form as provides for the making of all indorsements thereon required by this section.

# Rules and Regulations by Secretary of Commerce.

JUNE 5, 1920, sec. 30 (46 U. S. C. 983). Subsection W. The Secretary of Commerce is authorized to make such regulations in respect to the recording and indorsing of mortgages covering vessels of the United States, as he deems necessary to the efficient execution of the provisions of this section.

# "Ship Mortgage Act."

June 5, 1920, sec. 30 (46 U. S. C. 984). This section may be cited as the "Ship Mortgage Act, 1920."

## Chapter IX.—FEDERAL SHIP MORTGAGE INSURANCE

#### Definitions.

June 29, 1936, sec. 1101 (46 U. S. C. 1271). As used in this title (Act)

(a) The term "mortgage" means a preferred mortgage as defined

in the Ship Mortgage Act, 1920, as amended;

(b) The term "vessels" includes all types of passenger, cargo, and combination passenger-cargo carrying vessels, tugs, towboats, barges, and dredges documented under the laws of the United States, and fishing vessels owned by citizens of the United States;

(c) The term "mortgagee" includes the original lender under a mortgage and his successors and assigns approved by the

Commission:

(d) The term "mortgagor" includes the original borrower under a mortgage and his successors and assigns approved by the Commis-

sion; and

(e) The term "maturity date" means the date on which the mortgage indebtedness would be extinguished if paid in accordance with periodic payments provided for in the mortgage. (June 23, 1938, sec. 46.)

# Federal Ship Mortgage Insurance Fund.

June 29, 1936, sec. 1102 (46 U. S. C. 1272). There is hereby created a Federal ship mortgage insurance fund (hereinafter referred to as the "fund") which shall be used by the Commission as a revolving fund for the purpose of carrying out the provisions of this title, and there shall be allocated to such fund the sum of \$1,000,000 out of funds made available to the Commission under the appropriation authorized by section 1109. Moneys in the fund shall be deposited in the Treasury of the United States to the credit of the fund or invested in bonds or other obligations of, or guaranteed as to principal and interest by, the United States. The Commission may, with the approval of the Secretary of the Treasury, purchase debentures issued under the provisions of section 1105. Such purchases shall be made at a price which, on a yield basis, would provide an investment yield of not less than the yield obtainable from other investments (having comparable maturity dates) authorized by this section. Debentures so purchased shall be canceled and not reissued. (June 23, 1938, sec.  $4\bar{6}$ .)

# Authorization of Commission to Insure Mortgages; Limitation on Aggregate Amount.

June 29, 1936, sec. 1103 (46 U. S. C. 1273). The Commission is authorized, upon application by the mortgagee, to insure as hereinafter provided any mortgage offered to it which is eligible for insurance as hereinafter provided and, upon such terms as the Commission may prescribe, to make commitments for the insuring of any such

mortgage prior to the date of execution or disbursement thereon. The aggregate amount of principal obligations of all mortgages insured under this title and outstanding at any one time shall not exceed \$200,000,000. (June 23, 1938, sec. 46.)

# Insurance of Mortgages.

JUNE 29, 1936, sec. 1104 (46 U. S. C. 1274). To be eligible for insurance under this title a mortgage shall, excepting as otherwise

provided in section 1106—

(1) have a mortgagee approved by the Commission as responsible and able to service the mortgage properly; and a mortgagor approved by the Commission as possessing the ability, experience, financial resources, and other qualifications necessary to the adequate

operation and maintenance of the mortgaged property;

(2) involve an obligation in a principal amount which does not exceed 75 per centum of the cost (as estimated by the Commission) of the construction, reconstruction, or reconditioning financed by the loan or advance, but in no event to exceed 75 per centum of the amount which the Commission estimates will be the value of the property when the construction, reconstruction, or reconditioning is completed;

(3) secure an obligation having a maturity date satisfactory to the Commission but not to exceed twenty years from the date of its

execution :

(4) contain amortization provisions satisfactory to the Commis-

sion requiring periodic payments by the mortgagor;

(5) secure an obligation bearing interest (exclusive of premium charges for insurance) at a rate not to exceed 5 per centum per annum on the amount of the principal obligation outstanding at any time or not to exceed 6 per centum per annum if the Commission finds that in certain areas or under special circumstances the mortgage market demands it;

(6) provide, in a manner satisfactory to the Commission, for the application of the mortgagor's periodic payments to amortization of the principal of the mortgage, exclusive of the amount allocated to interest and to the premium charge which is required for mortgage

insurance as hereinafter provided;

(7) contain such terms and provisions with respect to the construction, reconstruction, reconditioning, maintenance, or operation of the property, repairs, alterations, payment of taxes, insurance, delinquency charges, revisions, foreclosure proceedings, anticipation of maturity, additional and secondary liens, and other matters perti-

nent to the security as the Commission may prescribe; and

(8) secure a new loan or advance made to aid in financing the construction, reconstruction, or reconditioning, subsequent to the enactment of this title, of vessels owned by citizens of the United States which are designed principally for commercial use (a) in the coastwise or intercoastal trade; (b) on the Great Lakes, or on bays, sounds, rivers, harbors, or inland lakes of the United States; (c) in foreign trade between the United States and foreign countries in continental North America, and between the United States and all islands lying between the continent of South America and the United States in the Gulf of Mexico, the Caribbean Sea, or the Atlantic Ocean; or (d) in the fishing trade or industry.

(b) No mortgage shall be accepted for insurance unless the Commission finds that the property or project with respect to which the

mortgage is executed is economically sound.

(c) The Commission is authorized to fix a premium charge for the insurance of mortgages under this title, but in the case of any. mortgage such charge shall not be less than an amount equivalent to one-half of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any time, without taking into account delinquent payments or prepayments. All such premium charges shall be payable by the mortgagee as prescribed by the Commission. In the event that the principal obligation of any mortgage accepted for insurance under this section is paid in full prior to the maturity date, the Commission is further authorized in its discretion to require the payment by the mortgagee of an adjusted premium charge in such amount as the Commission determines to be equitable, but not in excess of the aggregate amount of the premium charges that the mortgagee would otherwise have been required to pay if the mortgage had continued to be insured under this section until such maturity date.

(d) The Commission is authorized to charge and collect such amounts as it may deem reasonable for the investigation of applications for insurance, for the appraisal of properties offered for insurance, for the issuance of commitments, and for the inspection of such properties during construction, reconstruction, or reconditioning: Provided, That such charges shall not aggregate more than one-half of 1 per centum of the original principal amount of the mortgage to be insured. All moneys received under the provisions of this title shall be deposited in the fund. (June 23, 1938, sec. 46.)

# Payment of Insurance After Default.

June 29, 1936, sec. 1105 (46 U.S. C. 1275). (a) In any case in which the mortgagee under an insured mortgage shall have foreclosed and acquired title and possession of the mortgaged property in accordance with regulations of, and within a period to be determined by, the Commission, or shall, with the consent of the Commission, have otherwise acquired such property from the mortgagor after default, the mortgagee shall be entitled to receive the benefits of the insurance as hereinafter provided, upon (1) the prompt conveyance to the Commission of title to the property which meets the requirements of rules and regulations of the Commission in force at the time the mortgage was insured, and which is evidenced in the manner prescribed by such rules and regulations, and (2) the assignment to the Commission of all claims of the mortgagee against the mortgagor or others, arising out of the mortgage transaction or foreclosure proceedings, except such claims as may have been released with the consent of the Commission. Upon such conveyance and assignment the obligation of the mortgagee to pay the premium charges for insurance shall cease and the Commission shall, subject to the cash adjustment hereinafter provided, issue to the mortgagee debentures having a total face value equal to the balance of the principal obligation of the mortgage which was unpaid on the date of the institution of foreclosure proceedings, or on the date of the acquisition of the property after default other than by foreclosure. In the event that the mortgagee acquires the property other than by purchase at foreclosure sale after foreclosure proceedings have been instituted, debentures having a total face value equal to the balance of the principal obligation of the mortgage which was unpaid on the date of the institution of foreclosure proceedings shall be issued

to the mortgagee.

(b) Debentures issued under this section shall be in such form and denominations in multiples of \$50, shall be subject to such terms and conditions, and shall include such provisions for redemption, if any, as may be prescribed by the Commission with the approval of the Secretary of the Treasury, and may be in coupon or registered form. Any difference between the value of the mortgage determined as herein provided and the aggregate face value of the debentures issued, not to exceed \$50, shall be adjusted by the payment of cash

by the Commission to the mortgagee from the fund.

- (c) The debentures issued under this section shall be executed in the name of the fund as obligor, shall be signed by the Chairman of the Commission by either his written or engraved signature, and shall be negotiable. All such debentures shall be dated as of the date foreclosure proceedings were instituted, or the property was otherwise acquired by the mortgagee after default, and shall bear interest from such date at a rate determined by the Commission. with the approval of the Secretary of the Treasury, at the time the mortgage was offered for insurance, but not to exceed 3 per centum per annum, payable semiannually on the 1st day of January and the 1st day of July of each year, and shall mature three years after the 1st day of July following the maturity date of the mortgage on the property in exchange for which the debentures were issued. They shall be exempt, both as to principal and interest, from all taxation (except surtaxes, estate, inheritance; and gift taxes) now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority. They shall be paid out of the fund, which shall be primarily liable therefor, and they shall be fully and unconditionally guaranteed as to principal and interest by the United States, and such guaranty shall be expressed on the face of the debentures. In the event that the fund fails to pay upon demand, when due, the principal of, or interest on, any debentures so guaranteed, the Secretary of the Treasury shall pay to the holders the amount thereof, which is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, and thereupon to the extent of the amount so paid the Secretary of the Treasury shall succeed to all the rights of the holders of such debentures.
- (d) Notwithstanding any other provision of law relating to the acquisition, handling, or disposal of property by the United States, the Commission shall have the right to complete, recondition, reconstruct, renovate, repair, maintain, operate, or charter, or sell for cash or credit, in its discretion, any properties conveyed to it in exchange for debentures as provided in this section; and notwithstanding any other provision of law, the Commission shall also

have power to pursue to final collection, by way of compromise or otherwise, all claims against mortgagers assigned by mortgagees to the Commission as provided in this section. (June 23, 1938, sec. 46).

Insurance of Mortgages Securing Existing Loans or Refinancing Existing Mortgages.

June 29, 1936, sec. 1106 (46 U.S. C. 1276). No provision of this title shall be construed to authorize the Commission to insure a mortgage securing any loan or advance made prior to the enactment of this title and no mortgage shall be insured for refinancing in whole or in part any existing mortgage indebtedness except—

(1) where a substantial portion of the total amount to be secured by the new mortgage shall be applied to new construction, reconditioning, or reconstruction of one or more of the mortgaged vessels: *Provided*, *however*, That the aggregate amount of all mortgages insured under this paragraph and outstanding at any one time shall not exceed \$20,000,000, and provided that all of the eligibility requirements of section 1104 not inconsistent with this paragraph are

complied with;

(2) where the Commission has insured a mortgage under the provisions of this title, and the mortgagor theerafter makes application to the mortgagee or another lender for an additional loan o radvance for reconditioning or reconstructing the moregaged property, the Commission may insure a new mortgage in the amount of the principal outstanding balance of the original mortgage plus the amount of the new loan, provided the total amount is within the limits of section 1104 and the new mortgage conforms to all other eligibility requirements thereof; and

(3) the Commission may insure mortgages given to finance the purchase of vessels theretofore acquired by the fund under the provisions of section 1105 and to secure loans or advances made for reconditioning and reconstruction of such vessels. (June 23, 1938,

sec. 46.)

## Offenses and Penalties.

June 29, 1936, sec. 1107 (46 U.S. C. 1277). Whoever, for the purpose of obtaining any loan or advance of credit from any person, partnership, association, or corporation with the intent that such loan or advance of credit shall be offered to or accepted by the Commission for insurance, or for the purpose of obtaining any extension or renewal of any loan, advance of credit, or mortgage insured by the said Commission, or the acceptance, release, or substitution of any security on such a loan, advance of credit, or for the purpose of influencing in any way the action of the said Commission under this title, makes, passes, utters, or publishes, or causes to be made, passed, uttered, or published any statement, knowing the same to be false, or alters, forges, or counterfeits, or causes or procures to be altered, forged, or counterfeited, any instrument, paper, or document, or utters, publishes, or passes as true, or causes to be uttered, published, or passed as true, any instrument, paper, or document, knowing it to have been altered, forged, or counterfeited, or willfully overvalues any security, asset, or income, shall be guilty of a misdemeanor and

punished as provided under section 806 (b) of this Act. (June 23, 1938, sec. 46.)

## Rules and Regulations.

June 29, 1936, sec. 1108 (46 U. S. C. 1278). The Commission is authorized and directed to make such rules and regulations as may be deemed necessary or appropriate to carry out the purposes and provisions of this title. (June 23, 1938, sec. 46.)

## Appropriations.

June 29, 1936, sec. 1109 (46 U. S. C. 1279). There is hereby authorized to be appropriated the sum of \$1,000,000 and such further sums as may be necessary to carry out the provisions of this title. (June 23, 1938, sec. 46.)

## Chapter X .- OFFICERS OF MERCHANT VESSELS

Licensing and Classification.

R. S. 4438 (46 U. S. C. 224). The boards of local inspectors shall license and classify the masters, chief mates, and second and third mates, if in charge of a watch, engineers, and pilots of all steam vessels, and the masters of sail vessels of over seven hundred gross tons, and all other vessels of over one hundred gross tons carrying passengers for hire. It shall be unlawful to employ any person or for any person to serve as a master, chief mate, engineer, or pilot of any steamer or as master of any sail vessel of over seven hundred gross tons or of any other vessel of over one hundred gross tons carrying passengers for hire who is not licensed by the inspectors; and anyone violating this section shall be liable to a penalty of \$100 for each offense. (Dec. 21, 1898; Jan. 25, 1907; May 28, 1908, see 2.) [See act June 9, 1910, p. 380.]

### Duration of Licenses.

May 28, 1896, sec. 2 (46 U.S. C. 225). All licenses issued to such officers shall be for a term of five years, but the holder of a license may have the same renewed for another five years in the manner prescribed in the rules and regulations of the Board of Supervising Inspectors: Provided, however, That any officer holding a license, and who is engaged in a service which necessitates his continuous absence from the United States, may make application in writing for renewal and transmit the same to the board of local inspectors, with his certificate of citizenship, if naturalized, and a statement of the applicant, verified before a consul or other officer of the United States authorized to administer an oath, setting forth the reasons for not appearing in person; and upon receiving the same the board of local inspectors that originally issued such license shall renew the same and shall notify the applicant of such renewal: Provided further, That no license as master, mate, or pilot of any class of vessel shall be renewed without furnishing a satisfactory certificate of examination as to color blindness. And in all cases where the issue is the suspension or revocation of such licenses, whether before the local boards of inspectors (of steam vessels), as provided for in section 4450 of the Revised Statutes, or before the supervising inspector, as provided for in section 4452 of the Revised Statutes, the accused shall be allowed to appear by counsel and to testify in his own behalf. (Oct. 22, 1914.)

### Renewal of Licenses.

R. S. 4447 (46 U. S. C. 233). When any licensed officer is employed on a steamer in a district distant from any local board of inspectors, such inspectors, or the supervising inspector of the district, may grant a renewal of his license, without such licensed officer being personally present, under such regulations as the Board of Supervising Inspectors shall prescribe.

### Exhibition of Licenses.

R. S. 4446 (46 U.S.C. 232). Every master, mate, engineer, and pilot who shall receive a license shall, when employed upon any vessel, within forty-eight hours after going on duty, place his certificate of license, which shall be framed under glass, in some conspicuous place in such vessel, where it can be seen by passengers and others at all times: Provided, That in case of emergency such officer may be transferred to another vessel of the same owners for a period not exceeding forty-eight hours without the transfer of his license to such other vessel; and for every neglect to comply with this provision by any such master, mate, engineer, or pilot, he shall be subject to a fine of \$100, or to the revocation of his license. (Feb. 19, 1907.) [See act June 9, 1910, p. 380.]

### Revocation or Suspension of Officer's License for Refusal to Serve.

R. S. 4449 (46 U. S. C. 240). If any licensed officer shall, to the hindrance of commerce, wrongfully or unreasonably refuse to perform his official duties after having signed articles or while employed on any vessel as authorized by the terms of his certificate of license, or if any pilot or engineer shall refuse to admit into the pilot house or engine room any person whom the master or owner of the vessel may desire to place there for the purpose of learning the profession, his license shall be revoked or suspended upon the same proceedings as are provided in other cases of revocation or suspension of such license. (Mar. 3, 1905, sec. 5; Mar. 3, 1915, sec. 1.)

### Master's License.

R. S. 4439 (46 U. S. C. 226). Whenever any person applies to be licensed as master of any steam vessel, or of a sail vessel of over seven hundred tons, the inspectors shall make diligent inquiry as to his character, and shall carefully examine the applicant as well as the proofs which he presents in support of his claim, and if they are satisfied that his capacity, experience, habits of life, and character are such as warrant the belief that he can safely be intrusted with the duties and responsibilities of the station for which he makes application, they shall grant him a license authorizing him to discharge such duties on any such vessel for the term of five years; but such license shall be suspended or revoked upon satisfactory proof of bad conduct, intemperate habits, incapacity, inattention to his duties, or the willful violation of any provisions of this title [R. S. 4399-4500] applicable to him. (Dec. 21, 1898, sec. 2.) [See act June 9, 1910, p. 380.]

### Mate's License.

R. S. 4440 (46 U. S. C. 228). Whenever any person applies for authority to be employed as chief mate of ocean or coastwise steam vessels or of sail vessels of over seven hundred tons, or as second or third mate of ocean or coastwise steam vessels, who shall have charge of a watch, or whenever any person applies for authority to be employed as mate of river steamers, the inspectors shall require satisfactory evidence of the knowledge, experience, and skill of the applicant in lading cargo and in handling and stowage of freight, and if for license as chief mate on ocean or coastwise steamers, or of sail vessels of over seven hundred tons, or as second or third mate

of ocean or coastwise steamers, who shall have charge of a watch, shall also examine him as to his knowledge and ability in navigation and managing such vessels and all other duties pertaining to his station, and if satisfied of his qualifications and good character they shall grant him a license authorizing him to perform such duties for the term of five years upon the waters upon which he is found qualified to act; but such license shall be suspended or revoked upon satisfactory proof of bad conduct, intemperate habits, unskillfulness, or want of knowledge of the duties of his station or the willful violation of any provision of this title [R. S. 4399-4500]. (Mar. 23, 1898; Dec. 21, 1898, sec. 3.) [See act June 9, 1910, p. 380.]

## Engineer's License.

R. S. 4441 (46 U. S. C. 229). Whenever any person applies for authority to perform the duties of engineer of any steam vessel, the inspectors shall examine the applicant as to his knowledge of steam machinery, and his experience as an engineer, and also the proofs which he produces in support of his claim; and if, upon full consideration, they are satisfied that his character, habits of life, knowledge, and experience in the duties of an engineer are all such as to authorize the belief that he is a suitable and safe person to be intrusted with the powers and duties of such a station, they shall grant him a license, authorizing him to be employed in such duties for the term of five years, in which they shall assign him to the appropriate class of engineers; but such license shall be suspended or revoked upon satisfactory proof of negligence, unskillfulness, intemperance, or the willful violation of any provision of this Title [R. S. 4399-4500]. Whenever complaint is made against any engineer holding a license authorizing him to take charge of the boilers and machinery of any steamer, that he has, through negligence or want of skill, permitted the boilers in his charge to burn or otherwise become in bad condition, or that he has not kept his engine and machinery in good working order, it shall be the duty of the inspectors, upon satisfactory proof of such negligence or want of skill, to revoke the license of such engineer and assign him to a lower grade or class of engineers, if they find him fitted therefor. (May 28, 1896, sec. 2; Oct. 22, 1914.) [See act June 9, 1910, p. 380.]

### Pilot's License.

R. S. 4442 (46 U. S. C. 214). Whenever any person claiming to be a skillful pilot of steam vessels offers himself for a license, the inspectors shall make diligent inquiry as to his character and merits, and if satisfied, from personal examination of the applicant, with the proof that he offers that he possesses the requisite knowledge and skill, and is trustworthy and faithful, they shall grant him a license for the term of five years to pilot any such vessel within the limits prescribed in the license; but such license shall be suspended or revoked upon satisfactory evidence of negligence, unskillfulness, inattention to the duties of his station, or intemperance, or the willful violation of any provision of this title [R. S. 4399-4500]. (May 28, 1896, sec. 2; Oct. 22, 1914.) [See act June 9, 1910, p. 380.]

# Master or Mate Acting as Pilot.

R. S. 4443 (46 U. S. C. 230). Where the master or mate is also pilot of the vessel, he shall not be required to hold two licenses to

perform such duties, but the license issued shall state on its face that he is authorized to act in such double capacity. [See act June 9, 1910, p. 380.]

### Licenses to Indians.

Mar. 4, 1907, sec. 1 (46 U. S. C. 237). All Indians of the Tsimpsean or Haida tribe of the full or mixed blood who emigrated from British Columbia and settled at Metlakahtla on Annette Island, in southeastern Alaska, in the year eighteen hundred and eighty-seven and subsequent years, as well as all descendants of such Indians, and all other Indians who have since become and remained bona fide residents of said Metlakahtla, Alaska, shall, if otherwise qualified, be entitled to receive and obtain licenses as masters, pilots, and engineers, as the case may be, of any and all steamboats and other craft, and also licenses as operators of motor boats and other craft, subject to the provisions of the Act of Congress approved May sixteenth, nineteen hundred and six, entitled "An Act to amend section forty-four hundred and twenty-six of the Revised Statutes of the United States, regulation of motor boats," with the same force and effect as if they had been citizens of the United States; any such Indian may be the owner of any such motor boat or other craft, subject to the provisions of the said Act of May sixteenth, nineteen hundred and six, although such Indian be not a citizen of the United States, without depriving said motor boat or other craft of the benefits and privileges of a vessel of the United States.

### CERTIFICATES OF ELIGIBILITY FOR LICENSES TO INDIANS

Mar. 4, 1907, sec. 2 (46 U. S. C. 238). A certificate under the hand of any officer of the customs of Alaska, to the effect that the applicant for one of the different licenses mentioned in the foregoing section comes within one of the provisions of said first section of this Act, shall, together with the affidavit of the applicant to that effect, be sufficient evidence of the fact that said applicant is entitled to the privileges conferred upon said Indians by the first section of this Act.

### Oath of Officer.

R. S. 4445 (46 U. S. C. 231). Every master, chief mate, engineer, and pilot, who receives a license, shall, before entering upon his duties, make oath before one of the inspectors herein provided for, to be recorded with the certificate, that he will faithfully and honestly, according to his best skill and judgment, without concealment or reservation, perform all the duties required of him by law.

R. S. 4445 (46 U. S. C. 231). Every applicant for license as either master, mate, pilot, or engineer under the provisions of this title [R. S. 4399-4500] shall make and subscribe to an oath or affirmation, before one of the inspectors referred to in this title, to the truth of all the statements set forth in his application for such license.

Any person who shall make or subscribe to any oath or affirmation authorized in this title and knowing the same to be false shall be

deemed guilty of perjury.

Every licensed master, mate, pilot, or engineer who shall change, by addition, interpolation, or erasure of any kind, any certificate or license issued by any inspector or inspectors referred to in this title shall, for every such offense, upon conviction, be punished by a fine of not more than \$500 or by imprisonment at hard labor for a term not exceeding three years. (Mar. 23, 1900, sec. 1.)

Citizenship of Master.

R. S. 4131 (46 U. S. C. 221). Vessels registered pursuant to law and no others, except such as shall be duly qualified according to law for carrying on the coasting or fishing trade, shall be deemed vessels of the United States, and entitled to the benefits and privileges appertaining to such vessels; but no such vessel shall enjoy such benefits and privileges longer than it shall continue to be wholly owned by a citizen or citizens of the United States or a corporation created under the laws of any of the States thereof, and be commanded by a citizen of the United States.

Citizenship of Officers.

R. S. 4131 (46 U. S. C. 221). All the officers of vessels of the United States who shall have charge of a watch, including pilots, shall in all cases be citizens of the United States. [Metlakahtla In-

dians excepted by act March 4, 1907, see p. 167.]

The word "officers" shall include the chief engineer and each assistant engineer in charge of a watch on vessels propelled wholly or in part by steam; and after the 1st day of January 1897, no person shall be qualified to hold a license as a commander or watch officer of a merchant vessel of the United States who is not a native-born citizen, or whose naturalization as a citizen shall not have been fully completed. (June 26, 1884, sec. 1; May 28, 1896, secs. 1, 3.)

completed. (June 26, 1884, sec. 1; May 28, 1896, secs. 1, 3.)

June 25, 1936, sec. 5 (46 U. S. C. 672a). (a) From and after the enactment of this act all licensed officers and pilots of vessels of the United States shall be citizens of the United States, native-born, or

completely naturalized.

June 25, 1936, sec. 5 (46 U.S. C. 672a). (d) The owner, agent, or officer of any such vessel, who shall employ any person in violation of the provisions of this section, shall be subject to a penalty of

\$500 for each offense.

June 29, 1936, sec. 302 (46 U. S. C. 1132). (a) All licensed officers of vessels documented under the laws of the United States, as now required by law, shall be citizens of the United States, native-born or completely naturalized; and upon each departure from the United States of a cargo vessel in respect of which a construction or operating subsidy has been granted all of the crew (crew including all employees of the ship) shall be citizens of the United States, native-

born or completely naturalized.

June 29, 1936, sec. 302 (46 U. S. C. 1132). (b) For a period of one year after the effective date of this act, upon each departure from the United States of a passenger vessel in respect of which a construction or operation subsidy has been granted, all licensed officers shall be citizens of the United States as defined above, and no less than 80 per centum of the crew (crew including all employees of the ship other than officers) shall be citizens of the United States, native-born or completely naturalized, and thereafter the percentage of citizens, as above defined, shall be increased 5 per centum per annum until 90 per centum of the entire crew, including all licensed officers

of any such vessel, shall be citizens of the United States, native-born

or completely naturalized.

June 29, 1936, sec. 302 (46 U.S. C. 1132). (d) If any such vessel (as above defined) while on a foreign voyage is for any reason deprived of the services of any employee below the grade of master, his place or a vacancy caused by the promotion of another to his place may be supplied by a person other than defined in paragraphs (a) and (b), until the first return of such vessel to a port in the United States.

June 29, 1936, sec. 302 (46 U.S. C. 1132). (e) The owner, agent, or officer of any such vessel who knowingly employs any person in violation of the provisions of this act shall, upon conviction thereof,

be fined \$50 for each person so employed.

Replacement of Licensed Officer on Foreign Voyage.

R. S. 4131 (46 U. S. C. 221). In cases where on a foreign voyage, or on a voyage from an Atlantic to a Pacific port of the United States, any such vessel is for any reason deprived of the services of an officer below the grade of master, his place, or a vacancy caused by the promotion of another officer to such place, may be supplied by a person not a citizen of the United States until the first return of such vessel to its home port; and such vessel shall not be liable to any penalty or penal tax for such employment of an alien officer. (June 26, 1884, sec. 1; May 28, 1896, sec. 3.) [See R. S. 4219.]

Suspension of Law by President.

Aug. 18, 1914, sec. 2 (46 U. S. C. 236). The President of the United States is hereby authorized, whenever in his discretion the needs of foreign commerce may require, to suspend by order, so far and for such length of time as he may deem desirable, the provisions of law prescribing that all the watch officers of vessels of the United States registered for foreign trade shall be citizens of the United States.

June 29, 1936, sec. 302 (46 U. S. C. 1132). (h) During a national emergency as proclaimed by the President he may, in his discretion, suspend any or all of the provisions of this section.

Service During War.

May 28, 1896, sec. 2 (46 U. S. C. 225). No master, mate, pilot, or engineer of steam vessels licensed under title LII [R. S. 4399-4500] of the Revised Statutes shall be liable to draft in time of war, except for the performance of duties such as required by his license; and while performing such duties in the service of the United States every such master, mate, pilot, or engineer shall be entitled to the highest rate of wages paid in the merchant marine of the United States for similar services; and if killed or wounded while performing such duties under the United States, they, or their heirs, or their legal representatives, shall be entitled to all privileges accorded to soldiers and sailors serving in the Army or Navy, under the pension laws of the United States. (Oct. 22, 1914.)

Naval Reserve Membership.

June 29, 1936, sec. 302 (46 U.S. C. 1132). (g) All of the deck and engineer officers employed on vessels on which an operating-differential subsidy is paid under authority of title VI, or employed on the

Commission's vessels, after one year after the passage of this act, shall, if eligible, be members of the United States Naval Reserve.

Complement of Officers.

R. S. 4463 (46 U. S. C. 222). No vessel of the United States subject to the provisions of this title or to the inspection laws of the United States shall be navigated unless she shall have in her service and on board such complement of licensed officers and crew including certificated lifeboat men, separately stated, as may, in the judgment of the local inspectors who inspect the vessel, be necessary for her safe navigation. The local inspectors shall make in the certificate of inspection of the vessel an entry of such complement of officers and crew including certificated lifeboat men, separately stated, which may be changed from time to time by indorsement on such certificate by local inspectors by reason of change of conditions or employment. Such entry or indorsement shall be subject to a right of appeal, under regulations to be made by the Secretary of Commerce, to the supervising inspector and from him to the Director, who shall have the power to revise, set aside, or affirm the said determination of the local

inspectors.

If any such vessel is deprived of the services of any number of the crew including certificated lifeboat men, separately stated, without the consent, fault, or collusion of the master, owner, or any person interested in the vessel, the vessel may proceed on her voyage if, in the judgment of the master, she is sufficiently manned for such voyage: Provided, That the master shall ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same grade or of a higher rating with those whose places they fill. If the master shall fail to explain in writing the cause of such deficiency in the crew including certificated lifeboat men, separately stated, to the local inspectors within twelve hours of the time of the arrival of the vessel at her destination, he shall be liable to a penalty of \$50. If the vessel shall not be manned as provided in this Act, the owner shall be liable to a penalty of \$100, or in case of an insufficient number of licensed officers to a penalty of \$500. (Apr. 2, 1908, sec. 1; Mar. 3, 1913, sec. 1; Mar. 4, 1915, sec. 14; May 11, 1918, sec. 1; June 30, 1932, sec. 501.)

## Minimum Number of Officers.

Mar. 3, 1913, sec. 2 (46 U. S. C. 223). That the board of local inspectors shall make an entry in the certificate of inspection of every ocean and coastwise sea-going merchant vessel of the United States propelled by machinery, and every ocean-going vessel carrying passengers, the minimum number of licensed deck officers required for her safe navigation according to the following scale:

That no such vessel shall be navigated unless she shall have on

board and in her service one duly licensed master.

That every such vessel of one thousand gross tons and over, propelled by machinery, shall have in her service and on board three licensed mates, who shall stand in three watches while such vessel is being navigated, unless such vessel is engaged in a run of less than four hundred miles from the port of departure to the port of final destination, then such vessel shall have two licensed mates; and every vessel of two hundred gross tons and less than one thousand gross tons, propelled by machinery, shall have two licensed mates.

That every such vessel of one hundred gross tons and under two hundred gross tons, propelled by machinery, shall have on board and in her service one licensed mate; but if such vessel is engaged in a trade in which the time required to make the passage from the port of departure to the port of destination exceeds twenty-four hours, then such vessel shall have two licensed mates.

That nothing in this section shall be so construed as to prevent local inspectors from increasing the number of licensed officers on any vessel subject to the inspection laws of the United States, if, in their judgment, such vessel is not sufficiently manned for her safe navigation: *Provided*, That this section shall not apply to fishing or whaling vessels, yachts, or motor boats as defined in the act of June ninth, nineteen hundred and ten, or to wrecking vessels. (May 11, 1918, sec. 2.)

### Removal of Master.

R. S. 4250 (46 U. S. C. 227). Any person or body corporate having more than one-half ownership of any vessel shall have the same power to remove a master, who is also part owner of such vessel, as such majority owners have to remove a master not an owner. This section shall not apply where there is a valid written agreement subsisting by virtue of which such master would be entitled to possession. (Feb. 18, 1875, sec. 1.)

## State Pilot Regulations; Pilot Charges.

R. S. 4444 (46 U. S. C. 215). No State or municipal government shall impose upon pilots of steam vessels any obligation to procure a State or other license in addition to that issued by the United States, or any other regulation which will impede such pilots in the performance of the duties required by this Title [R. S. 4399-4500] nor shall any pilot charges be levied by any such authority upon any steamer piloted as provided by this Title; and in no case shall the fees charged for the pilotage of any steam vessel exceed the customary or legally established rates in the State where the same is performed. Nothing in this Title shall be construed to annul or affect any regulation established by the laws of any State, requiring vessels entering or leaving a port in any such State, other than coastwise steam vessels, to take a pilot duly licensed or authorized by the laws of such State, or of a State situate upon the waters of such State. See R. S. 4401, p. 436.

# Assistance to Inspectors.

R. S. 4448 (46 U. S. C. 234). All officers licensed under the provisions of this title shall assist the inspectors in their examination of any vessels to which such licensed officers belong and shall point out all defects and imperfections known to them in the hull, equipments, boilers, or machinery of such vessel, and shall also make known to the inspectors at the earliest opportunity all accidents or occurrences producing serious injury to the vessel, her equipments, boilers, or machinery, and in default thereof the license of any such officer so neglecting or refusing shall be suspended or revoked.

# Watch Duty of Deck Officers.

MAY 11, 1918, sec. 3 (466 U. S. C. 235). It shall be unlawful for the master, owner, agent, or other person having authority, to permit an officer of any vessel to take charge of the deck watch of the

vessel upon leaving or immediately after leaving port, unless such officer shall have had at least six hours off duty within the twelve hours immediately preceding the time of sailing, and no licensed officer on any ocean or coastwise vessel shall be required to do duty to exceed nine hours of any twenty-four while in port (but see subsequent statute) including the date of arrival, or more than twelve hours of any twenty-four at sea, except in a case of emergency when life or property is endangered. Any violation of this section shall subject the person or persons guilty thereof to a penalty of \$100.

Watches; Hours of Labor; Legal Holidays.

Mar. 4, 1915, sec. 2 (46 U. S. C. 673). That in all merchant vessels of the United States of more than one hundred tons gross, excepting those navigating rivers, harbors, lakes (other than Great Lakes), bays, sounds, bayous, and canals, exclusively, the licensed officers and sailors, coal passers, firemen, oilers, and water tenders shall, while at sea, be divided into at least three watches, which shall be kept on duty successively for the performance of ordinary work incident to the sailing and management of the vessel. No licensed officer or seaman in the deck or engine department of any tug documented under the laws of the United States (except boats or vessels used exclusively for fishing purposes) navigating the Great Lakes, harbors of the Great Lakes, and connecting and tributary waters between Gary, Indiana; Duluth, Minnesota; Niagara Falls, New York; and Ogdensburg, New York, shall be required or permitted to work more than eight hours in one day except in case of extraordinary emergency affecting the safety of the vessel and/or life or property. The seamen shall not be shipped to work alternately in the fireroom and on deck, nor shall those shipped for deck duty be required to work in the fireroom, or vice versa; nor shall any licensed officer or seaman in the deck or engine department be required to work more than eight hours in one day; but these provisions shall not limit either the authority of the master or other officer or the obedience of the seamen when in the judgment of the master or other officer the whole or any part of the crew are needed for maneuvering, shifting berth, mooring, or unmooring the vessel, or the performance of work necessary for the safety of the vessel, her passengers, crew, and cargo, or for the saving of life aboard other vessels, in jeopardy, or when in port or at sea, from requiring the whole or any part of the crew to participate in the performance of fire, lifeboat, or other drills. While such vessel is in a safe harbor no seaman shall be required to do any unnecessary work on Sundays or the following-named days: New Year's Day, the Fourth of July, Labor Day, Armistice Day, Thanksgiving Day, and Christmas Day, but this shall not prevent the dispatch of a vessel on regular schedule on when ready to proceed on her voyage. And at all times while such vessel is in a safe harbor, eight hours, inclusive of the anchor watch, shall constitute a day's work. Whenever the master of any vessel shall fail to comply with this section and the regulation issued thereunder, the owner shall be liable to a penalty not to exceed \$500, and the seamen shall be entitled to discharge from such vessel and to receive the wages earned. But this section shall not apply to vessels engaged in salvage operations: Provided, That in all tugs and barges subject to this section when engaged on a voyage of less than six

<sup>&</sup>lt;sup>1</sup> Armistice Day made a legal public holiday by Act May 13, 1938.

hundred miles, the licensed officers and members of crews other than coal passers, firemen, oilers, and water tenders may, while at sea, be divided into not less than two watches, but nothing in this proviso shall be construed as repealing any part of section 4463 of the Revised Statutes. (June 25, 1936, sec. 2; May 13, 1938; June 23, 1938.)

Minimum-Manning Scales; Wage Scales; Working Conditions on Subsidized Vessels.

June 29, 1936, sec. 301 (46 U. S. C. 1131). The Commission is authorized and directed to investigate the employment and wage conditions in ocean-going shipping and, after making such investigation and after appropriate hearings, to incorporate in the contracts authorized under titles VI and VII of this Act minimum manning scales and minimum wage scales, and minimum working conditions for all officers and crews employed on all types of vessels receiving an operating-differential subsidy. After such minimum manning and wage scales, and working conditions shall have been adopted by the Commission, no change shall be made therein by the Commission except upon public notice of the hearing to be had, and a hearing by the Commission of all interested parties, under such rules as the Commission shall prescribe. The duly elected representatives of the organizations certified as the proper collective bargaining agencies shall have the right to represent the employees who are members of their organizations at any such hearings. Every contractor receiving an operating-differential subsidy shall post and keep posted in a conspicuous place on each such vessel operated by such contractor a printed copy of the minimum manning and wage scales, and working conditions prescribed by his contract and applicable to such vessel: Provided, however, That any increase in the operating expenses of the subsidized vessel occasioned by any change in the wage or manning scales or working conditions as provided in this section shall be added to the operating-differential subsidy previously authorized for the vessel. (June 23, 1938, sec. 5.)

Living Quarters; Living Conditions; Uniforms; on Subsidized Vessels.

JUNE 29, 1936, sec. 301 (46 U. S. C. 1131). Every contract executed under authority of titles VI and VII of this act shall require—

(1) Insofar as is practicable, officers' living quarters shall be kept separate and apart from those furnished for members of the crew;

(2) Licensed officers and unlicensed members of the crew shall be entitled to make complaints or recommendations to the Commission, providing they file such complaint or recommendation directly with the Commission, or with their immediate superior officer who shall be required to forward such complaint or recommendation with his remarks to the Commission, or with the authorized representatives of the respective collective bargaining agencies;

(3) Licensed officers who are members of the United States Naval Reserve shall wear on their uniforms such special distinguishing insignia as may be approved by the Secretary of the Navy; officers being those men serving under licenses issued by the Bureau of Marine

Inspection and Navigation;

(4) The uniform stripes, decoration, or other insignia shall be of gold braid or woven gold or silver material, to be worn by officers, and no member of the ship's crew other than licensed officers shall be allowed to wear any uniform with such officer's identifying insignia;

(5) No discrimination shall be practiced against licensed officers, who are otherwise qualified, because of their failure to qualify as members of the United States Naval Reserve. (June 23, 1938, sec. 5.)

## Penalty for Fraud.

June 25, 1936, sec. 6 (46 U.S. C. 710a). Any person who (1) shall receive or have in his possession any certificate, license, or document issued to vessels or officers or seamen by the Bureau of Marine Inspection and Navigation or by any officer or employee of the United States authorized by law to represent such Bureau, to which he is not lawfully entitled, with intent unlawfully to use the same; or (2) shall use or exhibit or attempt to use or exhibit any such certificate, license, or document to which he is not lawfully entitled; or (3) without lawful authority shall alter or change, or attempt to change, any such certificate, license, or document by addition, interpolation, deletion, or erasure; or (4) shall forge, counterfeit, or steal, or shall attempt to forge, counterfeit, or steal, any such certificate, license, or document; or (5) shall unlawfully have in his possession or knowingly use any such altered, changed, forged, counterfeit, or stolen certificate, license, or document; or (6) shall print or manufacture, or cause to be printed or manufactured, any blank form of such certificate, license, or document without first obtaining the authority of the Bureau of Marine Inspection and Navigation; or (7) shall have in his possession without lawful excuse, and with intent unlawfully to use the same, any blank form of such certificate, license, or document; or, (8) shall in any manner transfer, or cause to be so transferred, or negotiate such transfer of, any blank form of such certificate, license, or document, or any such altered, changed, forged, counterfeit, or stolen certificate, license, or document, or any such certificate, license, or document to which the party transferring or receiving the same is not lawfully entitled; or (9) shall aid or abet the perpetration of any of the foregoing acts shall for each offense, upon conviction thereof, be fined not more than \$5,000 or imprisoned for not more than five years, or both.

# Penalty for Visiting or Frequenting Steerage Passenger Quarters.

Aug. 2, 1882, sec. 7 (46 U. S. C. 157). Neither the officers, seamen, nor other persons employed on any such steamship or other vessel shall visit or frequent any part of the vessel provided or assigned to the use of such passengers, except by the direction or permission of the master of such vessel first made or given for such purpose; and every officer, seaman, or other person employed on board of such vessel who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and may be fined not exceeding \$100, and be imprisoned not exceeding twenty days, for each violation; and the master of such vessel who directs or permits any officer, seaman, or other person employed on board the vessel to visit or frequent any part of the vessel provided for or assigned to the use of such passengers, or the compartments or spaces occupied by such passengers, except for the purpose of doing or performing some necessary act or duty as an officer, seaman, or other person employed on board of the vessel, shall be deemed guilty of a misdemeanor, and may be fined

not more than \$100 for each time he directs or permits the provisions of this section to be violated. A copy of this section written or printed in the language or principal languages of the passengers on board, shall, by or under the direction of the master of the vessel, be posted in a conspicuous place on the forecastle and in the several parts of the vessel provided and assigned for the use of such passengers, and in each compartment or space occupied by such passengers, and the same shall be kept so posted during the voyage; and if the said master neglects so to do, he shall be deemed guilty of a misdemeanor, and shall be fined not more than \$100.

Officers' Competency Certificates Convention, 1936.

## Provisions of Draft Convention No. 53

### ARTICLE 1

1. This Convention applies to all vessels registered in a territory for which this Convention is in force and engaged in maritime navigation with the exception of—

(a) ships of war;

(b) Government vessels, or vessels in the service of a public authority, which are not engaged in trade;

(c) wooden ships of primitive build such as dhows and junks.2. National laws or regulations may grant exceptions or exemptions in respect of vessels of less than 200 tons gross registered tonnage.

### ARTICLE 2

For the purpose of this Convention the following expressions have the meanings hereby assigned to them:

(a) "master or skipper" means any person having command or

charge of a vessel;

(b) "navigating officer in charge of a watch" means any person, other than a pilot, who is for the time being actually in charge of the navigation or manœuvring of a vessel;

(c) "chief engineer" means any person permanently responsible

for the mechanical propulsion of a vessel;

(d) "engineer officer in charge of a watch" means any person who is for the time being actually in charge of the running of a vessel's engines.

### ARTICLE 3

1. No person shall be engaged to perform or shall perform on board any vessel to which this Convention applies the duties of master, or skipper, navigating officer in charge of a watch, chief engineer, or engineer officer in charge of a watch, unless he holds a certificate of competency to perform such duties, issued or approved by the public authority of the territory where the vessel is registered.

2. Exceptions to the provisions of this Article may be made only

in cases of force majeure.

#### ARTICLE 4

1. No person shall be granted a certificate of competency unless—
(a) he has reached the minimum age prescribed for the issue of the certificate in question;

(b) his professional experience has been of the minimum duration

prescribed for the issue of the certificate in question; and

(c) he has passed the examinations organised and supervised by the competent authority for the purpose of testing whether he possesses the qualifications necessary for performing the duties corresponding to the certificate for which he is a candidate.

2. National laws or regulations shall—

(a) prescribe a minimum age to have been attained by and a minimum period of professional experience to have been completed by

candidates for each grade of competency certificate;

(b) provide for the organisation and supervision by the competent authority of one or more examinations for the purpose of testing whether candidates for competency certificates possess the qualifications necessary for performing the duties corresponding to the certificates for which they are candidates.

3. Any Member of the Organisation may, during a period of three years from the date of its ratification, issue competency certificates to persons who have not passed the examinations organised in virtue

of paragraph 2 (b) of this Article who—

(a) have in fact had sufficient practical experience of the duties corresponding to the certificate in question; and

(b) have no record of any serious technical error against them.

### ARTICLE 5

1. Each Member which ratifies this Convention shall ensure its

due enforcement by an efficient system of inspection.

2. National laws or regulations shall provide for the cases in which the authorities of a Member may detain vessels registered in its territory on account of a breach of the provisions of this Convention.

3. Where the authorities of a Member which has ratified this Convention find a breach of its provisions on a vessel registered in the territory of another Member which has also ratified the Convention, the said authorities shall communicate with the consul of the Member in the territory of which the vessel is registered.

### ARTICLE 6

1. National laws or regulations shall prescribe penalties or disciplinary measures for cases in which the provisions of this Convention are not respected.

2. In particular, such penalties or disciplinary measures shall be

prescribed for cases in which—

(a) a shipowner, shipowner's agent, master or skipper has engaged

a person not certificated as required by this Convention;

(b) a master or skipper has allowed any of the duties defined in Article 2 of this Convention to be performed by a person not holding the corresponding or a superior certificate;

(c) a person has obtained by fraud or forged documents an engagement to perform any of the duties defined in the said Article 2 without holding the requisite certificate.

### ARTICLE 7

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation, each Member of the Organisation which ratifies this Convention shall append to its ratification a declaration stating:

(a) the territories in respect of which it undertakes to apply the

provisions of the Convention without modification;

(b) the territories in respect of which it undertakes to apply the provisions of the Convention subject to modifications, together with details of the said modifications;

(c) the territories in respect of which the Convention is inapplica-

ble and in such cases the grounds on which it is inapplicable; (d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in sub-paragraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of sub-paragraphs (b), (c), or (d) of paragraph 1 of this Article.

### ARTICLE 8

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

### ARTICLE 9

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Secre-

tary-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

#### ARTICLE 10

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

### ARTICLE 11

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on

which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

### ARTICLE 12

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the Agenda of the Conference the question of its revision in whole or in part.

### ARTICLE 13

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention

otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the

Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

#### ARTICLE 14

The French and English texts of this Convention shall both be authentic.

## RESERVATIONS BY THE UNITED STATES GOVERNMENT

The above Convention was ratified on the part of the United States, subject to the following reservations:

"That the United States Government understands and construes the words 'vessels registered in a territory' appearing in this Convention to include all vessels of the United States as defined under the laws of the United States.

"That the United States Government understands and construes the words 'maritime navigation' appearing in this Convention to mean

navigation on the high seas only.

"Nothing in this Convention shall be so construed as to prevent the authorities of the United States from making such inspection of any vessel referred to in article V, paragraph 3, within the jurisdiction of

the United States, as may be necessary to determine that there has been a compliance with the terms of this Convention, or to prevent such authorities from withholding clearance to any such vessel which they find has not complied with the provisions of the Convention until

such time as any such deficiency shall be corrected.

"That the provisions of this Convention shall apply to all territory over which the United States exercises jurisdiction except the Government of the Commonwealth of the Philippine Islands and the Panama Canal Zone, with respect to which this Government reserves its decision."

# RATIFICATION OF TREATY

Note.—The ratification of this treaty by the United States was deposited on October 29, 1938 and became effective on October 29, 1939. The following Act of June 17, 1939 represents the enabling legislation passed by Congress to make effective the provisions of the above treaty.

## ENABLING ACT: EXCEPTIONS

R. S. 4438a, sec. 1 (46 U. S. C. 224a). That the Officers' Competency Certificates Convention, 1936 (International Labor Organization Draft Convention Numbered 53, "concerning the minimum requirement of professional capacity for masters and officers on board merchant ships"), as ratified by the President on September 1, 1938, with understandings appended, and this section shall apply to all vessels, however propelled, navigating on the high seas, which are registered, enrolled and licensed, or licensed under the laws of the United States, whether permanently, temporarily, or provisionally, including yachts enrolled and licensed, or licensed, with the exception of—

(a) ships of war;

(b) Government vessels, or vessels in the service of a public authority, which are not engaged in trade;

(c) wooden ships of primitive build, such as dhows and junks;

(d) unrigged vessels;

(e) all vessels of less than two hundred gross tons.

# Existing Laws Effective; Regulations by Board of Supervising Inspectors

R. S. 4438a, sec. 2 (46 U. S. C. 224a). All laws in effect on the effective date of this section covering the issuance, duration, renewal, suspension, and revocation of licenses of masters, mates, chief engineers, and assistant engineers be, and they are hereby, made applicable to the issuance, duration, renewal, suspension, or revocation of licenses of masters, mates, chief engineers, and assistant engineers of all vessels to which the Officers' Competency Certificates Convention, 1936, and this section apply, to such extent and upon such conditions as may be required by the regulations of the Board of Supervising Inspectors with the approval of the Secretary of Commerce: Provided, That examinations for licenses of masters, mates, chief engineers, and assistant engineers of fishing vessels, not subject to the inspection laws of the United States, shall be oral: Provided further, That applicants for licenses as masters, mates, chief engineers, and

assistant engineers of fishing vessels not subject to the inspection laws of the United States shall not be required to obtain a certificate from the United States Public Health Service based upon the subject of ship sanitation, and first aid.

### LICENSE TO BE DEEMED CERTIFICATE OF COMPETENCY

R. S. 4438a, sec. 3 (46 U. S. C. 224a). Any license issued (whether before, or on, or after, the effective date of this section) to a master, mate, chief engineer, or assistant engineer of a vessel to which this section applies shall be deemed to be a certificate of competency for a master or skipper, navigating officer in charge of a watch, chief engineer, or engineer in charge of a watch, respectively.

LICENSE REQUIRED AS CONDITION PRECEDENT TO EMPLOYMENT; ISSU-ANCE WITHOUT EXAMINATION; LIMITATIONS OF SUCH LICENSE

R. S. 4438a, sec. 4 (46 U. S. C. 224a). No person shall be engaged to perform, or shall perform on board any vessel to which this section applies, the duties of master, mate, chief engineer, or assistant engineer unless he holds a license to perform such duties, issued in accordance with the provisions of subsection 2 of this section: Provided, That a license as master, mate, chief engineer, or assistant engineer of vessels subject to this section may be issued without examination at any time prior to October 29, 1941, to any applicant who has had sufficient practical experience in the position for which he applies to be licensed and has no record of any serious technical error against him: Provided further, That no person to whom a license as master, mate, chief engineer, or assistant engineer is issued without examination may serve under authority of that license as master, mate, chief engineer, or assistant engineer on any vessel subject to the inspection laws of the United States.

# PENALTY EMPLOYMENT UNLICENSED PERSONNEL; FOR SERVING WITHOUT LICENSE

R. S. 4438a, sec. 5 (46 U. S. C. 224a). It shall be unlawful to engage or employ any person or for any person to serve as a master, mate, or engineer on any such vessel who is not licensed by the inspectors; and anyone violating this section shall be liable to a penalty of \$100 for each offense.

COLLECTOR OF CUSTOMS TO ENFORCE; CLEARANCE MAY BE REFUSED

R. S. 4438a, sec. 6 (46 U. S. C. 224a). If any collector of customs has reason to believe, on complaint or otherwise, that a vessel subject to this section and to the regulations established thereunder is about to proceed to the high seas from a port in the United States or any Territory over which the United States exercises jurisdiction, except the Philippine Islands and the Panama Canal Zone, in violation of any provision of this section or of any provision of the Officers' Competency Certificates Convention, 1936, he may, by written order served on the master or officer in charge of such vessel, detain her

until such time as this section shall have been complied with. Clearance shall be refused to any vessel which shall have been ordered detained. If the vessel be ordered detained the master may, within five days, appeal to the Secretary of Commerce, who may, after investigation, affirm, set aside, or modify the order of the collector.

# Foreign Vessels; Refusal of Clearance

R. S. 4438a, sec. 7 (46 U. S. C. 224a). Foreign vessels to which the Officers' Competency Certificates Convention, 1936, applies shall be subject to such inspection, within the jurisdiction of the United States, except the Philippine Islands and the Panama Canal Zone, as may be necessary to determine that there has been a compliance with the terms of the convention, and in case of any breach of the provisions of the convention by such vessel the collector of customs may, by written order served on the master or officer in charge of such vessel, detain her and refuse clearance to her until such time as the convention shall have been complied with; the collector shall also immediately notify the consul of the country in which the vessel is registered. If the vessel be ordered detained the master may, within five days, appeal to the Secretary of Commerce, who may, after investigation, affirm, set aside, or modify the order of the collector.

## Exempted Vessels

R. S. 4438a, sec. 8 (46 U. S. C. 224a). No provision of the Officers' Competency Certificates Convention, 1936, or of this section, shall apply to any vessel of the United States of less than two hundred gross tons, nor shall any provision of that convention or this section be deemed to alter, amend, or repeal any statute of the United States in effect on the effective date of this section with regard to any such vessel.

### REGULATIONS BY SECRETARY OF COMMERCE

R. S. 4438a, sec. 9 (46 U. S. C. 224a). The Secretary of Commerce shall establish such regulations as may be necessary to secure the enforcement of the provisions of this section by any officer of the United States authorized to enforce the navigation or inspection laws of the United States.

# PENALTIES; REMISSION OR MITIGATION

R. S. 4438a, sec. 10 (46 U. S. C. 224a). The Secretary of Commerce or any officer of the Department of Commerce authorized by the Secretary of Commerce may, upon application therefor, remit or mitigate any fine or penalty incurred under this section or any regulation thereunder.

### GREAT LAKE VESSELS EXEMPT

R. S. 4438a, sec. 11 (46 U. S. C. 224a). No provision of the Officers' Competency Certificates Convention, 1936, nor of this section, shall apply to any vessel, however propelled, navigating on the Great Lakes.

### DEFINITIONS

R. S. 4438a, sec. 12 (46 U. S. C. 224a). Where used in this section—
(a) the term "high seas" means all waters outside the line dividing the inland waters from the high seas, as defined in section 2 of the Act of February 19, 1895;

(b) the term "unrigged vessel" means any vessel that is not self-

propelled.

# EXISTING STATUTES UNAFFECTED

R. S. 4438a, sec. 13 (46 U. S. C. 224a). Nothing contained in the Officers' Competency Certificates Convention, 1936, nor in this section, shall be deemed to extend any provision of section 2 of the Act of March 4, 1915, as amended (U. S. C., 1934 edition, Supp. IV, title 46, sec. 673), or to alter, modify, or repeal any statute of the United States in effect on the effective date of this section, except as hereinbefore provided.

Effective Date

R. S. 4438a, sec. 14 (46 U. S. C. 224a). This section [act] became effective on October 29, 1939.

### VESSELS OF LESS THAN 200 GROSS TONS EXEMPT

Mar. 29, 1939 (46 U. S. C. 241). That pursuant to the authority granted in the second clause of Article One of the Officers' Competency Certificates Convention, 1936, ratified by the President of the United States on September 1, 1938, by and with the advice and consent of the Senate of the United States, given June 13, 1938 (being International Labor Conference Treaty, Draft Convention, Numbered 53, adopted by the International Labor Conference at Geneva in 1936), vessels of the United States of less than two hundred tons gross registered tonnage are hereby exempted from the provisions of such convention: Provided, however, That neither the ratification of the said convention by the President of the United States, nor the advice and consent of the United States Senate given thereto, nor any provision of the said convention as ratified, nor any provision of this Act shall be deemed to alter, amend, or repeal any statute of the United States existing at the time of said ratification, or thereafter enacted, with regard to any such vessel of less than two hundred tons gross registered tonnage.

# Registered Staff Officers; Staff Department.

Aug. 1, 1939, sec. 1 (46 U. S. C. 242). There shall be registered staff officers in the United States merchant marine in the following grades: (1) Chief purser, (2) purser, (3) senior assistant purser, (4) junior assistant purser, and (5) surgeon. The Secretary of Commerce (in this Act called the Secretary) shall register, and issue certificates of registry to, qualified individuals applying for registry in such grades, as hereinafter provided, and every such individual when so registered and serving in the staff department on a vessel of the United States shall rank as a staff officer on such vessel. Officers registered under the provisions of this Act and pursers' clerks shall constitute a separate and independent department on

vessels of the United States to be known as the staff department under the charge of the senior registered purser on such vessel, who shall be responsible solely to the master. On oceangoing vessels licensed to carry more than one hundred passengers, such officer in charge of the staff department shall be a registered chief purser; and whenever more than three persons are employed in the staff department on such vessels, exclusive of surgeons, there shall be a minimum of one registered senior assistant purser and one registered junior assistant purser in such staff department. No person shall be eligible for registry as a staff officer under the provisions of this Act who is not a citizen of the United States.

### QUALIFICATIONS FOR REGISTERED STAFF OFFICERS

Aug. 1, 1939, sec. 2 (46 U.S. C. 243). No applicant for registry under the provisions of this Act shall be required to take an examination to qualify therefor, but the Secretary shall require satisfactory proof of good character, citizenship, and such minimum periods of service as he shall deem necessary to establish the requisite knowledge, skill, and experience to qualify applicants for the respective stations. Applicants for registry as surgeon shall be required to possess a valid license as physician and surgeon issued under the authority of a State or Territory of the United States or the District of Columbia.

# OATH OF REGISTERED STAFF OFFICERS; NO FURTHER CERTIFICATE REQUIRED

Aug. 1, 1939, sec. 3 (46 U. S. C. 244). Each staff officer receiving a certificate of registry under the provisions of this Act shall make oath or affirmation before an officer empowered to administer oaths, to be designated by the Secretary, that he will faithfully and honestly perform all the duties required of him by law. No such staff officer shall be required to obtain any other certificate of service or efficiency or behavior as a condition of service in such capacity other than as herein provided.

# DISTINGUISHING INSIGNIA OF REGISTERED STAFF OFFICERS

Aug. 1, 1939, sec. 4 (46 U. S. C. 245). (a) Staff officers registered under the provisions of this Act who are members of the Naval Reserve Corps shall wear on their uniforms such special distinguishing

insignia as may be approved by the Secretary of the Navy.

(b) The uniform stripes, decoration, or other insignia to be worn by such officers shall be of gold braid or woven gold or silver material, and no member of the ship's crew other than such staff officers shall be allowed to wear any uniform with such staff officer's identifying insignia.

# PENALTY FOR EMPLOYING UNREGISTERED STAFF OFFICERS; EXCEPTIONS

Aug. 1, 1939, sec. 5a (46 U. S. C. 246). It shall be unlawful to employ any person or for any person to serve in any grade or per-

form the duties of any grade specified in section 1 of this Act on any such vessel of the United States designated therein unless he shall be in bona fide possession of a certificate of registry, issued under the provisions of this Act, as an officer in such grade; and anyone violating this provision shall be liable to a penalty of \$100 for each offense: Provided, That in the event no registered staff officer is available and obtainable at the time of sailing, the vessel may sail with an unregistered staff officer or without any staff officer: Provided further, That such staff officer shall not be included in the vessel's inspection certificate.

# Effective Date of Section 5 (a)

Aug. 1, 1939, sec. 9 (46 U. S. C. 246). The provisions of section 5 (a) of this Act shall take effect one year from the date of the enactment of this Act.

## PENALTY FOR ALTERING CERTIFICATE OF REGISTRY

Aug. 1, 1939, sec. 5b (46 U. S. C. 246). Any staff officer registered under the provisions of this Act who shall change by addition, interpolation, or erasure of any kind, any certificate of registry referred to in this section shall have his registry and his certificate of registry revoked and be punished by a fine of not more than \$100.

## REVOCATION OF SUSPENSION OF CERTIFICATE OF REGISTRY

Aug. 1, 1939, sec. 5 (c) (46 U. S. C. 246). Any registry or certificate of registry issued under the authority of this Act to any staff officer shall be suspended or revoked upon satisfactory proof of bad conduct, inattention to his duties, or the willful violation of any provisions of this Act applicable to him, in the same manner and with like procedure as is provided in the case of suspension or revocation of licenses of officers under the provisions of section 4450 of the Revised Statutes, as amended.

## EXEMPTED VESSELS

Aug. 1, 1939, sec. 5 (b) (46 U. S. C. 246). The provisions of this Act shall not apply to any vessel of the United States operated on bays, sounds, inland waterways, and lakes, other than the Great Lakes, or to passenger ferries and car ferries operated on the Great Lakes.

## RULES AND REGULATIONS

Aug. 1, 1939, sec. 7 (46 U.S. C. 247). The Secretary of Commerce shall prescribe rules and regulations to carry out the provisions of this Act.

# "Vessel of United States" Defined

Aug. 1, 1939, sec. 8 (46 U. S. C. 248). As used in this Act the term "vessel of the United States" shall mean any vessel registered enrolled, or licensed under the laws of the United States, but shall not include a fishing or whaling vessel or a yacht.

## Chapter XI.—MERCHANT SEAMEN

### Definitions.

R. S. 4612 (46 U. S. C. 713). In the construction of this Title [Title LIII, Merchant Seamen, R. S. 4501-4612], every person having the command of any vessel belonging to any citizen of the United States shall be deemed to be the "master" thereof; and every person (apprentices excepted) who shall be employed or engaged to serve in any capacity on board the same shall be deemed and taken to be a "seaman"; and the term "vessel" shall be understood to comprehend every description of vessel navigating on any sea or channel, lake or river, to which the provisions of this Title may be applicable, and the term "owner" shall be taken and understood to comprehend all the several persons, if more than one, to whom the vessel shall belong. (Dec. 21, 1898, sec. 23; Mar. 4, 1915, sec. 10.)

### Exemption from Militia Duty.

June 3, 1916, sec. 59 (32 U. S. C. 3). \* \* \* pilots; mariners actually employed in the sea service of any citizen or merchant within the United States, shall be exempt from militia duty without regard to age, and all persons who because of religious belief shall claim exemption from military service, if the conscientious holding of such belief by such person shall be established under such regulations as the President shall prescribe, shall be exempted from militia service in a combatant capacity; but no person so exempted shall be exempt from militia service in any capacity that the President shall declare to be noncombatant.

# Seamen's Passports.

### List of Citizen Seamen.

R. S. 4591 (46 U. S. C. 687). The collector of every port of entry in the United States shall send a list of the seamen to whom certificates of citizenship have been granted, once every three months, to

the Secretary of State, together with an account of such impressments or detentions as shall appear by the protests of the masters to have taken place.

Illegal Shipments (Shanghaiing).

June 28, 1906, secs. 1-3 (18 U.S. C. 144). Whoever, with intent that any person shall perform service or labor of any kind on board of any vessel engaged in trade and commerce among the several States or with foreign nations, or on board of any vessel of the United States engaged in navigating the high seas or any navigable water of the United States, shall procure or induce, or attempt to procure or induce, another, by force or threats or by representations which he knows or believes to be untrue, or while the person so procured or induced is intoxicated or under the influence of any drug, to go on board of any such vessel, or to sign or in any wise enter into any agreement to go on board of any such vessel to perform service or labor thereon; or whoever shall knowingly detain on board of any such vessel any person so procured or induced to go on board thereof, or to enter into any agreement to go on board thereof, by any means herein defined; or whoever shall knowingly aid or abet in the doing of any of the things herein made unlawful, shall be fined not more than \$1,000, or imprisoned not more than one year, or both. (Mar. 2, 1907; Mar. 4, 1909, sec. 82).

Unlawful Shipments Void.

R. S. 4523 (46 U. S. C. 578). All shipments of seamen made contrary to the provisions of any act of Congress shall be void; and any seaman so shipped may leave the service at any time, and shall be entitled to recover the highest rate of wages of the port from which the seaman was shipped, or the sum agreed to be given him at his shipment.

Owners or Masters May Ship Seamen in Certain Cases.

R. S. 4504 (46 U. S. C. 546). Any person other than a commissioner under this Title [R. S. 4501-4612], who shall perform or attempt to perform, either directly or indirectly, the duties which are by this Title set forth as pertaining to a shipping commissioner,

shall be liable to a penalty of not more than \$500.

Nothing in this Title [R. S. 4501-4612], however, shall prevent the owner, or consignee, or master of any vessel except vessels bound from a port in the United States to any foreign port, other than vessels engaged in trade between the United States and the British North American possessions, or the West India Islands, or the republic of Mexico, and vessels of the burden of seventy-five tons or upward bound from a port on the Atlantic to a port on the Pacific, or vice versa, from performing, himself, so far as his vessel is concerned, the duties of shipping commissioner under this Title. Whenever the master of any vessel shall engage his crew, or any part of the same, in any collection district where no shipping commissioner shall have been appointed, he may perform for himself the duties of such commissioner.

Apprentices.

R. S. 4509 (46 U. S. C. 561). Every shipping commissioner appointed under this Title [R. S. 4501-4612] shall, if applied to for the

purpose of apprenticing boys to the sea service, by any master or owner of a vessel, or by any person legally qualified, give such assistance as is in his power for facilitating the making of such apprenticeships; but the shipping commissioner shall ascertain that the boy has voluntarily consented to be bound, and that the parents or guardian of such boy have consented to such apprenticeship, and that he has attained the age of twelve years, and is of sufficient health and strength, and that the master to whom such boy is to be bound is a proper person for the purpose. Such apprenticeship shall terminate when the apprentice becomes eighteen years of age. The shipping commissioner shall keep a register of all indentures of apprenticeship made before him.

## Indenture of Apprentice To Be Produced.

R. S. 4510 (46 U. S. C. 562). The master of every foreign-going vessel shall, before carrying any apprentice to sea from any place in the United States, cause such apprentice to appear before the shipping commissioner before whom the crew is engaged, and shall produce to him the indenture by which such apprentice is bound, and the assignment or assignments thereof if any; and the name of the apprentice, with the date of the indenture and of the assignment or assignments thereof, if any, shall be entered on the agreement; which shall be in the form as near as may be given in the table marked "A" in the schedule annexed to this Title [R. S. 4501-4612]; and no such assignment shall be made without the approval of a commissioner, of the apprentice, and of his parents or his guardian. For any violation of this section, the master shall be liable to a penalty of not more than \$100.

Note.—The two foregoing sections are virtually obsolete as the indenturing of apprentices apparently has been discontinued.

Shipping Articles in Foreign and Intercoastal Trade.

R. S. 4511 (46 U. S. C. 564). The master of every vessel bound from a port in the United States to any foreign port other than vessels engaged in trade between the United States and the British North American possessions, or the West India Islands, or the republic of Mexico, or of any vessel of the burden of seventy-five tons or upward, bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall, before he proceeds on such voyage, make an agreement, in writing or in print, with every seaman whom he carries to sea as one of the crew, in the manner hereinafter mentioned; and every such agreement shall be, as near as may be, in the form given in the table marked "A" in the schedule annexed to this Title [R. S. 4501-4612], and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars:

First. The nature and, as far as practicable, the duration of the intended voyage or engagement, and the port or country at which

the voyage is to terminate.

Second. The number and description of the crew, specifying their respective employments.

Third. The time at which each seaman is to be on board to begin work.

Fourth. The capacity in which each seaman is to serve.

Fifth. The amount of wages which each seaman is to receive.

Sixth. A scale of the provisions which are to be furnished to each seaman.

Seventh. Any regulations as to conduct on board, and as to fines, short allowances of provisions, or other lawful punishments for misconduct, which may be sanctioned by Congress or authorized by the Secretary of Commerce not contrary to or not otherwise provided for by law, which the parties agree to adopt.

Eighth. Any stipulations in reference to advance and allotment of wages, or other matters not contrary to law. (Mar. 3, 1897, sec.

10; Feb. 14, 1903, sec. 10; Mar. 4, 1913, sec. 1.)

Note.—The provisions of the above statute apparently establish exemptions for vessels engaged in trade between the United States and the British North American possessions; the West India Islands, and the Republic of Mexico.

Form of Articles.

R. S. 4612 (46 U. S. C. 713).

### TABLE A

UNITED STATES OF AMERICA.

(Date and place of first signature of agreement, including name

of shipping office):

It is agreed between the master and seamen or mariners of the \_\_\_\_\_, of which \_\_\_\_ is at present master, or whoever shall go for master, now bound from the port of \_\_\_\_\_, \_\_\_\_, to \_\_\_\_, \_\_\_\_, (here the voyage is to be described, and the places named at which the vessel is to touch, or if that cannot be done, the general nature and probable length of the voyage is to be stated).

And the said crew agree to conduct themselves in an orderly, faithful, honest, and sober manner, and to be at all times diligent in their respective duties, and to be obedient to the lawful commands of the said master, or of any person who shall lawfully succeed him, and of their superior officers in everything relating to the vessel, and the stores and cargo thereof, whether on board, in boats, or on shore; and in consideration of which service, to be duly performed, the said master hereby agrees to pay the said crew, as wages, the sums against their names respectively expressed, and to supply them with provisions according to the annexed scale. And it is hereby agreed that any embezzlement, or willful or negligent destruction of any part of the vessel's cargo or stores, shall be made good to the owner out of the wages of the person guilty of the same; and if any person enters himself as qualified for a duty which he proves himself incompetent to perform, his wages shall be reduced in proportion to his incompetency. And it is also agreed that if any member of the crew considers himself to be aggrieved by any breach of the agreement or otherwise, he shall represent the same to the master or officer in charge of the vessel, in a quiet and orderly manner, who shall thereupon take such steps as the case may require. And it is also agreed that (here any other stipulations may be inserted to which the parties agree, and which are not contrary to law).

In witness whereof the said parties have subscribed their names hereto, on the days against their respective signatures mentioned.

Signed by ————, master, on the ———— day of ————, eighteen [nineteen] hundred and ————.

(Dec. 21, 1898, sec. 23; Mar. 4, 1915, sec. 10.)

			Height		Descrip- tion				onthly	monthly	Time of service					entry is to be	to b		sioner's	e to-	tions
Signature of crew	Birthplace	Age	Feet	Inches	Complexion	Hair	Wages per month	Wages per run	Advance wages	Amount of me	Months	Days	Hospital money	Whole wages	. Wages due	Place and time of	Time at which he on board	In what capacity	Shipping commissioner signature or initials	Allotment payable	Conduct qualifications

(June 26, 1884, sec. 10; Dec. 21, 1898, sec. 24; June 5, 1920, sec. 32.)

Note.—In the place for signatures and descriptions of men engaged after the first departure of the ship, the entries are to be made as above, except that the signatures of the consul or vice consul, officer of customs, or witness before whom the man is engaged, is to be substituted for that of the shipping commissioner.

## Account of Apprentices on Board.

R. S. 4612 (46 U. S. C. 713).

Christian and surname of apprentice in full	Date of registry of indenture	Port at which indenture was registered	Date of register of assignment	Port at which assignment was registered		

(Dec. 21, 1898, sec. 23; Mar. 4, 1915, sec. 10.)

Scale of Provisions to be Allowed and Served Out to Crew During the Voyage.

R. S. 4612 (46 U. S. C. 713).

	Sun-	Mon-	Tues-	Wed-	Thurs-	Fri-	Satur-
	day	day	day	nesday	day	day	day
Water quarts Biscuit pound Beef, salt pounds Pork, salt pounds Pork, salt pound Plour pound Flour pound Flour pound Fresh bread pound Frish, dry, preserved, or fresh pound Potatoes or yams pound Canned tomatoes pound Peas pint Beans pint Beans pint Coffee (green berry) ounce Tea ounce Sugar ounces Molasses pint Vinegar pint Corn meal ounces Onions ounces Onions ounces Mustard, pepper, and salt sufficient for sea- soning.	5 1/2 1/2 1/2 1/2 1/2 1/2 1/2 3/3 1/2 2 4 4 4 1 1 2	5 ½2 1 1,1,2 1 1,5,5,5,7 1,6,7,7 1,6,7,7 1,6,7,7 1,6,7,7 1,7 1	1/2 1/4 1/2 1/2 1/2 1 1 1/3 3 3 1/2 1/2 2	5 1/2 1 1/2 1 1/3 1/4 1/6 3/4 1/6 3/4	5 1½ 1½ ½ 1½ 1	5 ½ 1	5 1/2 1/4

### Substitutes

One pound of flour daily may be substituted for the daily ration of biscuit or fresh bread; two ounces of desiccated vegetables for one pound of potatoes or yams; six ounces of hominy, oatmeal, or cracked wheat, or two ounces of tapioca, for six ounces of rice; six ounces of canned vegetables for one-half pound of canned tomatoes; one-eighth of an ounce of tea for three-fourths of an ounce of coffee; three-fourths of an ounce of coffee for one-eighth of an ounce of tea; six ounces of canned fruit for three ounces of dried fruit; one-half ounce of lime juice for the daily ration of vinegar; four ounces of oatmeal or cracked wheat for one-half pint of corn meal; two ounces of pickled onions for four ounces of fresh onions.

When the vessel is in port and it is possible to obtain the same, one and one-half pounds of fresh meat shall be substituted for the daily rations of salt and canned meat; one-half pound of green cabbage for one ration of canned tomatoes; one-half pound of fresh fruit for one ration of dried fruit. Fresh fruit and vagetables shall be served while in port if obtainable. The seamen shall have the option of accepting the fare the master may provide, but the right at any time to demand the foregoing scale of provisions. The foregoing scale of provisions shall be inserted in every article of agreement, and shall not be reduced by any contract, except as above, and a copy of the same shall be posted in a conspicuous place in the galley and in the forecastle of each vessel. [Fishing or whaling vessels or yachts exempt—Dec. 21, 1898, sec. 26.] (Dec. 12, 1898, sec. 23; Mar. 4, 1915, sec. 10.)

Rules for Shipping Articles.

R. S. 4512 (46 U. S. C. 565). The following rules shall be observed with respect to agreements:

First. Every agreement, except such as are otherwise specially provided for, shall be signed by each seaman in the presence of a ship-

ping commissioner.

Second. When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the shipping commissioner, and the other part shall contain a special place or form for the description and signatures of persons engaged subsequently to the first departure of the ship, and shall be delivered to the master

Third. Every agreement entered into before a shipping commissioner shall be acknowledged and certified under the hand and official seal of such commissioner. The certificate of acknowledgment shall be indorsed on or annexed to the agreement; and shall be in the following form:

"State of \_\_\_\_\_, County of \_\_\_\_:

"On this \_\_\_\_ day of \_\_\_\_\_, personally appeared before me, a shipping commissioner in and for the said county, A. B., C. D., and E. F., severally known to me to be the same persons who executed the foregoing instrument, who each for himself acknowledged to me that he had read or had heard read the same; that he was by me made acquainted with the conditions thereof, and understood the same; and that, while sober and not in a state of intoxication, he

signed it freely and voluntarily, for the uses and purposes therein mentioned."

# Exception as to Shipping Articles.

R. S. 4513 (46 U. S. C. 566). Section 4511 shall not apply to masters of vessels where the seamen are by custom or agreement entitled to participate in the profits or result of a cruise or voyage, nor to masters of coastwise nor to masters of lake-going vessels that touch at foreign ports; but seamen may, by agreement, serve on board such vessels a definite time, or, on the return of any vessel to a port in the United States, may reship and sail in the same vessel on another voyage.

Note.—Sec. 4511, however, does apply in part to masters of coastwise vessels whose crews are shipped under provisions of the Act of Feb. 18, 1895.

### Forecastle Card.

R. S. 4519 (46 U. S. C. 577). The master shall, at the commencement of every voyage or engagement, cause a legible copy of the agreement, omitting signatures [Forecastle card], to be placed or posted up in such part of the vessel as to be accessible to the crew; and on default shall be liable to a penalty of not more than \$100.

### Period of Engagement.

June 26, 1884, sec. 19 (46 U. S. C. 572). A master of a vessel in the foreign trade may engage a seaman at any port in the United States, in the manner provided by law, to serve on a voyage to any port, or for the round trip from and to the port of departure, or for a definite time, whatever the destination. The master of a vessel making regular and stated trips between the United States and a foreign country may engage a seaman for one or more round trips, or for a definite time, or on the return of said vessel to the United States may reship such seamen for another voyage in the same vessel, in the manner provided by law.

# Penalty for Shipment Without Agreement.

R. S. 4514 (46 U. S. C. 567). If any person shall be carried to sea, as one of the crew on board of any vessel making a voyage as hereinbefore specified [R. S. 4511], without entering into an agreement with the master of such vessel, in the form and manner, and at the place and times in such cases required, the vessel shall be held liable for each such offense to a penalty of not more than \$200. But the vessel shall not be held liable for any person carried to sea, who shall have secretly stowed away himself without the knowledge of the master, mate, or of any of the officers of the vessel, or who shall have falsely personated himself to the master, mate, or officers of the vessel, for the purpose of being carried to sea.

# Penalty for Accepting Seaman Engaged in Violation of Law.

R. S. 4515 (46 U. S. C. 568). If any master, mate, or other officer of a vessel knowingly receives, or accepts, to be entered on board of any merchant vessel, any seaman who has been engaged or supplied contrary to the provisions of this Title [R. S. 4501-4612], the vessel on board of which such seaman shall be found shall, for every such seaman, be liable to a penalty of not more than \$200. (See R. S. 4551, as amended, p. 206.)

Undermanning.

R. S. 4516 (46 U. S. C. 569). In case of desertion or casualty resulting in the loss of one or more of the seamen, the master must ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same or higher grade or rating with those whose places they fill, and report the same to the United States consul at the first port at which he shall arrive, without incurring the penalty prescribed by the two preceding sections. This section shall not apply to fishing or whaling vessels or yachts. (Dec. 21, 1898, sec. 1; Mar. 4, 1915, sec. 1.)

Shipment in Foreign Ports Before Consuls.

R. S. 4517 (46 U. S. C. 570). Every master of a merchant vessel who engages any seaman at a place out of the United States, in which there is a consular officer, shall, before carrying such seaman to sea, procure the sanction of such officer, and shall engage seamen in his presence; and the rules governing the engagement of seamen before a shipping commissioner in the United States, shall apply to such engagements made before a consular officer; and upon every such engagement the consular officer shall indorse upon the agreement his sanction thereof, and an attestation to the effect that the same has been signed in his presence, and otherwise duly made.

Penalty for Failure To Ship Before Consul.

R. S. 4518 (46 U. S. C. 571). Every master who engages any seaman in any place in which there is a consular officer, otherwise than as required by the preceding section shall incur a penalty of not more than \$100, for which penalty the vessel shall be held liable.

Period for Which Seamen Signed in Foreign Port May Be Shipped.

JUNE 26, 1884, sec. 20 (46 U. S. C. 573). Every master of a vessel in the foreign trade may engage any seaman at any port out of the United States, in the manner provided by law, to serve for one or more round trips from and to the port of departure, or for a definite time, whatever the destination; and the master of a vessel clearing from a port of the United States with one or more seamen engaged in a foreign port as herein provided shall not be required to reship in a port of the United States the seamen so engaged. (Mar. 3, 1897, sec. 3.)

Crew List.\*

R. S. 4573 (46 U. S. C. 674). Before a clearance is granted to any vessel bound on a foreign voyage or engaged in the whale fishery, the master thereof shall deliver to the collector of the customs a list containing the names, places of birth and residence, and description of the persons who compose his ship's company; to which list the oath of the captain shall be annexed, that the list contains the names of his crew, together with the places of their birth and residence, as far as he can ascertain them; and the collector shall deliver him a certified copy thereof.

\*Note.—Does not apply to intercoastal voyages or voyages to territorial possessions. However, it apparently includes foreign vessels as well as vessels of the United States.

Crew Lists for Vessels of the United States; Collector's Duty.

R. S. 4574 (46 U. S. C. 675). In all cases of private vessels of the United States sailing from a port in the United States to a foreign port, the list of the crew shall be examined by the collector for the district from which the vessel shall clear, and, if approved of by him, shall be certified accordingly. No person shall be admitted or employed on board of any such vessel unless his name shall have been entered in the list of the crew, approved and certified by the collector for the district from which the vessel shall clear. The collector, before he delivers the list of the crew, approved and certified, to the master or proper officer of the vessel to which the same belongs, shall cause the same to be recorded in a book by him for that purpose to be provided, and the record shall be open for the inspection of all persons, and a certified copy thereof shall be admitted in evidence in any court in which any question may arise under any of the provisions of this Title [R. S. 4501-4612].

Production of Crew List on Return From Foreign Voyage; Production of Seamen Listed.

R. S. 4576 \* (46 U. S. C. 677). The master of every vessel bound on a foreign voyage or engaged in the whale fishery shall exhibit the certified copy of the list of the crew to the first boarding officer at the first port in the United States at which he shall arrive on his return, and also produce the persons named therein to the boarding officer, whose duty it shall be to examine the men with such list and to report the same to the collector; and it shall be the duty of the collector at the port of arrival, where the same is different from the port from which the vessel originally sailed, to transmit a copy of the list so reported to him to the collector of the port from which such vessel originally sailed. For each failure to produce any person on the certified copy of the list of the crew the master and owner shall be severally liable to a penalty of \$400, to be sued for, prosecuted, and disposed of in such manner as penalties and forfeitures which may be incurred for offenses against the laws relating to the collection of duties; but such penalties shall not be incurred on account of the master not producing to the first boarding officer any of the persons contained in the list who may have been discharged in a foreign country with the consent of the consul or vice consul there residing, certified in writing, under his hand and official seal, to be produced to the collector with the other persons composing the crew, nor on account of any such person dying or absconding or being forcibly impressed into other service of which satisfactory proof shall also be exhibited to the collector. (Mar. 3, 1897, sec. 3.)

Rules as to Crew List.

R. S. 4575 (46 U. S. C. 676). The following rules shall be observed with reference to vessels bound on any foreign voyage:

First. The duplicate list of the ship's company, required to be made out by the master and delivered to the collector of the customs, under R. S. 4573, shall be a fair copy in one uniform handwriting, without erasure or interlineation.

<sup>\*</sup>Note.—Apparently applies to foreign vesses as well as to vessels of the United States.

Second. It shall be the duty of the owners of every such vessel to obtain from the collector of the customs of the district from which the clearance is made, a true and certified copy of the shipping articles, containing the names of the crew, which shall be written in a

uniform hand, without erasures or interlineations.

Third. These documents, which shall be deemed to contain all the conditions of contract with the crew as to their service, pay, voyage, and all other things, shall be produced by the master, and laid before any consul of the United States, whenever he may deem their contents necessary to enable him to discharge the duties imposed upon him by law toward any mariner applying to him for his aid or assistance.

Fourth. All interlineations, erasures, or writing in a hand different from that in which such duplicates were originally made, shall be deemed fraudulent alterations, working no change in such papers, unless satisfactorily explained in a manner consistent with innocent purposes and the provisions of law which guard the rights of

mariners.

Fifth. If any master of a vessel shall proceed on a foreign voyage without the documents herein required, or refuse to produce them when required, or to perform the duties imposed by this section, or shall violate the provisions thereof, he shall be liable to each and every individual injured thereby in damages, to be recovered in any court of the United States in the district where such delinquent may reside or be found, and in addition thereto be punishable by a fine of \$100 for each offense.

Sixth. It shall be the duty of the boarding officer to report all violations of this section to the collector of the port where any vessel may arrive, and the collector shall report the same to the Secretary of Commerce and to the United States attorney in his district. (Feb.

27, 1877, sec. 1; Feb. 14, 1903; Mar. 4, 1913.)

Exemptions for Vessels in Coastwise Trade.1

June 9, 1874 (46 U. S. C. 544). None of the provisions of an act entitled "An act to authorize the appointment of shipping commissioners by the several circuit courts of the United States to superintend the shipping and discharge of seamen engaged in merchant ships belonging to the United States, and for the further protection of seamen" [June 7, 1872] shall apply to sail or steam vessels engaged in the coastwise trade, except the coastwise trade between the Atlantic and Pacific coasts, or in the lake-going trade touching at foreign ports or otherwise, or in the trade between the United States and the British North American possessions, or in any case where the seamen are by custom or agreement entitled to participate in the profits or result of a cruise, or voyage.

¹The sections of the Revised Statutes included in the act of June 7, 1872 (17 S. 262), are 2174, 4290 to 4292, inclusive, 4501 to 4520, inclusive, 4523 to 4529, inclusive, 4531 to 4536, inclusive, 4538 to 4545, inclusive, 4549 to 4555, inclusive, 4565 to 4572, inclusive, 4592 to 4597, inclusive, 4599, 4602 to 4607, inclusive, 4609, 4610, 4612. These sections have been amended as follows: 2174 (May 9, 1918, sec. 1, subd. 8—U. S. C. title 8, secs. 376, 388); 4529 (Dec. 21, 1898, sec. 4; May 4, 1915, sec. 13—U. S. C. title 46, sec. 596); 4531-4534 (June 26, 1884, sec. 10; June 19, 1886, sec. 3; Dec. 21, 1898, sec. 24; Apr. 26, 1904, sec. 1; Mar. 4, 1915, sec. 11; June 5, 1920, sec. 32—U. S. C. title 46; sec. 12—U. S. C. title 46, sec. 609); 4535 (Aug. 1, 1912—U. S. C. title 46, sec. 727-731); 4536 (Mar. 4, 1915, sec. 12—U. S. C. title 46, sec. 665); 4572 (Dec. 21, 1898, sec. 15—U. S. C. title 46, sec. 669); 4596 (Dec. 21, 1898, sec. 19; Mar. 4, 1915, sec. 7—U. S. C. title 46, sec. 701); 4597 (Dec. 21, 1898, sec. 19; Mar. 4, 1915, sec. 7—U. S. C. title 46, sec. 701); 4597 (Dec. 21, 1898, sec. 20—U. S. C. title 46, sec. 702); 4609 (Dec. 21, 1898, sec. 24; Apr. 26, 1904—U. S. C. title 46, sec. 599); 4612 (Dec. 21, 1898, sec. 23, Mar. 4, 1915, sec. 10—U. S. C. title 46, sec. 713).

Note.—If any of the provisions of the Act of June 7, 1872, have been reenacted subsequent to passage of the above act, provisions of subsequent act would obtain.

Shipping Commissioner May Ship Crews for Coastwise or Nearby Foreign Voyages.

June 19, 1886, sec. 2 (46 U. S. C. 646). Shipping commissioners may ship and discharge crews for any vessel engaged in the coastwise trade, or the trade between the United States and the Dominion of Canada, or Newfoundland, or the West Indies, or the Republic of Mexico, at the request of the master or owner of such vessel.

Feb. 18, 1895 (46 U. S. C. 563). When a crew is shipped by a

shipping commissioner for any American vessel in the coastwise trade, or the trade between the United States and the Dominion of Canada, or Newfoundland, or the West Indies, or Mexico \* \* \* an agreement shall be made with each seaman engaged as one of such crew in the same manner as is provided by sections 4511 and 4512 of the Revised Statutes, not, however, including the sixth and eighth items of section 4511; and such agreement shall be posted as provided in section 4519, and such seamen shall be discharged and receive their wages as provided by the first clause of section 4529 and also by sections 4526, 4527, 4528, 4530, 4535, 4542, 4543, 4544, 4545, 4546, 4547, 4549, 4550, 4551, 4552, 4553, 4554, and 4602 of the Revised Statutes; but in all other respects such shipments of seamen and such shipping agreement shall be regarded as if both shipment and agreement had been entered into between the master of a vessel and a seaman without going before a shipping commissioner. (May 3, 1897, sec. 8; Dec. 21, 1898, sec. 26; Mar. 4, 1915, sec. 12.)

Shipping Articles for Coastwise Vessels.

R. S. 4520 (46 U. S. C. 574). Every master of any vessel of the burden of fifty tons or upward, bound from a port in one State to a port in any other than an adjoining State, except vessels of the burden of seventy-five tons or upward, bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall before he proceeds on such voyage make an agreement in writing or in print with every seaman on board such vessel, except such as shall be apprentice or servant to himself or owners, declaring the voyage or term of time for which such seamen shall be shipped.

Penalty for Failure to Sign Coastwise Articles.

R. S. 4521 (46 U. S. C. 575). If any master of such vessel of the burden of fifty tons or upward shall carry out any seaman or mariner, except apprentices or servants, without such contract or agreement being first made and signed by the seamen, such master shall pay to every such seaman the highest price or wages which shall have been given at the port or place where such seaman was shipped, for a similar voyage, within three months next before the time of such shipping, if such seaman shall perform such voyage; or if not, then for such time as he shall continue to do duty on board such vessel; and shall moreover be liable to a penalty of \$20 for every such seaman, recoverable one half to the use of the person prosecuting for the same and the other half to the use of the United States. Any seaman who has not signed such contract shall not be bound by the regulations nor subject to the penalties and forfeitures contained in this Title [R. S. 4501–4612].

Penalty for Failure of Seaman to Join Vessel After Signing Coastwise Articles; for Desertion.

R. S. 4522 (46 U. S. C. 576). At the foot of every such contract to ship upon such a vessel of the burden of fifty tons or upward there shall be a memorandum in writing of the day and the hour when such seaman who shipped and subscribed shall render himself on board to begin the voyage agreed upon. If any seaman shall neglect to render himself on board the vessel for which he has shipped at the time mentioned in such memorandum without giving twenty-four hours' notice of his inability to do so, and if the master of the vessel shall, on the day in which such neglect happened, make an entry in the log book of such vessel of the name of such seaman, and shall in like manner note the time that he so neglected to render himself after the time appointed, then every such seaman shall forfeit for every hour which he shall so neglect to render himself one-half of one day's pay, according to the rate of wages agreed upon, to be deducted out of the wages. If any such seaman shall wholly neglect to render himself on board of such vessel, or having rendered himself on board shall afterwards desert, he shall forfeit all of his wages or emoluments which he has then earned. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, sec. 26.] (Dec. 21, 1898, sec. 2.)

# Agreement for Fishing Voyage.

R. S. 4391 (46 U. S. C. 531). The master of any vessel of the burden of twenty tons or upward, qualified according to law for carrying on the bank and other cod fisheries, or the mackerel fishery, bound from a port of the United States to be employed in any such fishery, at sea, shall, before proceeding on such fishing voyage, make an agreement in writing with every fisherman who may be employed therein, except only an apprentice or servant of himself or owner, and, in addition to such terms of shipment as may be agreed on, shall, in such agreement, express whether the same is to continue for one voyage or for the fishing season, and shall also express that the fish or the proceeds of such fishing voyage or voyages which may appertain to the fishermen shall be divided among them in proportion to the quantities or number of such fish which they may respectively have caught. Such agreement shall be indorsed or countersigned by the owner of such fishing vessel or his agent. See R. S. 4339, p. 118.

# Penalty for Violating Agreement.

R. S. 4392 (46 U. S. C. 532). If any fisherman, having engaged himself for a voyage or for the fishing season in any fishing vessel and signed an agreement therefor, thereafter and while such agreement remains in force and to be performed deserts or absents himself from such vessel without leave of the master thereof, or of the owner or his agent, such deserter shall be liable to the same penalties as deserting seamen are subject to in the merchant service, and all costs of process and commitment, if paid by the master or owner, shall be deducted out of the share of fish or proceeds of any fishing voyage to which such deserter had or shall become entitled. Every fisherman, having so engaged himself, who during such fishing voyage refuses or neglects his proper duty on board the fishing vessel, being

thereto ordered or required by the master thereof, or otherwise resists his just commands to the hindrance or detriment of such voyage, besides being answerable for all damages arising thereby, shall forfeit to the use of the owner of such vessel his share of any public allowance which may be paid upon such voyage.

# Recovery of Shares of Fish Under Agreement.

R. S. 4393 (46 U. S. C. 533). Whenever an agreement or contract is so made and signed for a fishing voyage or for the fishing season, and any fish caught on board such vessel during the same are delivered to the owner or to his agent, for cure, and sold by such owner or agent, such vessel shall, for the term of six months after such sale, be liable for the master's and every other fisherman's share of such fish, and may be proceeded against in the same form and to the same effect as any other vessel is by law liable, and may be proceeded against for the wages of seamen or mariners in the merchant service. Upon such proceeding for the value of a share or shares of the proceeds of fish so delivered and sold it shall be incumbent on the owner or his agent to produce a just account of the sales and division of such fish according to such agreement or contract; otherwise the vessel shall be answerable upon such proceeding for what may be the highest value of the shares demanded. But in all cases the owner of such vessel or his agent, appearing to answer in such proceeding, may offer thereupon his account of general supplies made for such fishing voyage and of other supplies therefor made to either of the demandants, and shall be allowed to produce evidence thereof in answer to their demands respectively; and judgment shall be rendered upon such proceeding for the respective balances which upon such an inquiry shall appear.

# Discharge of Fishing Vessel on Bond by Owner.

R. S. 4394 (46 U. S. C. 534). When process shall be issued against any vessel so liable, if the owner thereof or his agent will give bond to each fisherman in whose favor such process shall be instituted, with sufficient security, to the satisfaction of two justices of the peace, of whom one shall be named by such owner or agent, and the other by the fisherman or fishermen pursuing such process, or if either party shall refuse, then the justice first appointed shall name his associate, with condition to answer and pay whatever sum shall be recovered by him or them on such process, there shall be an immediate discharge of such vessel. Nothing in this or the preceding section shall prevent any fisherman from having his action at common law for his share or shares of fish or the proceeds thereof.

# Requirements, Qualifications, and Regulations as to Crews.

Mar. 4, 1915, sec. 13 (46 U. S. C. 672). (a) No vessel of one hundred tons gross and upward, except those navigating rivers exclusively and the smaller inland lakes and except as provided in section 1 of this act, shall be permitted to depart from any port of the United States unless she has on board a crew not less than 75 per centum of which, in each department thereof, are able to understand any order given by the officers of such vessel, nor unless 65 per centum of her deck crew, exclusive of licensed officers and apprentices, are of a rating not less than able seamen. Every person shall be rated an

able seaman, and qualified for service as such on the seas, who is nineteen years of age or upward, and has had at least three years' service on deck at sea or on the Great Lakes, on a vessel or vessels to which this section applies, including decked fishing vessels, and vessels in United States Government service; and every person shall be rated an able seaman, and qualified to serve as such on the Great Lakes and on the smaller lakes, bays, or sounds who is nineteen years of age or upward and has had at least eighteen months' service on deck at sea or on the Great Lakes or on the smaller lakes, bays, or sounds, on a vessel or vessels to which this section applies, including decked fishing vessels and vessels in the United States Government Service; and graduates of school ships approved by and conducted under rules prescribed by the Secretary of Commerce may be rated able seamen upon graduation in good standing from said school ships: Provided, That no boy shall be shipped on any vessel to which this section applies unless he meets the physical qualifications contained in regulations to be prescribed by the Secretary of Commerce and that no boy shall be placed on the lookout or at the wheel except for the purpose of learning, and that in narrow and crowded waters or in low visibility none below the rating of able seaman shall be permitted at the wheel: Provided further, That no deck boy shall be held qualified to fill the place of ordinary seaman until he has had at least six months' service as deck boy: Provided further, That upon examination, under rules prescribed by the Department of Commerce as to evesight, hearing, and physical condition, such persons or graduates are found to be competent: Provided further, That upon examination, under rules prescribed by the Department of Commerce as to eyesight, hearing, physical condition, and knowledge of the duties of seamanship, a person found competent may be rated as able seaman after having served on deck twelve months at sea or on the Great Lakes, but seamen examined and rated able seamen under this proviso shall not in any case compose more than one-fourth of the number of able seamen required by this section to be shipped or employed upon any vessel. (June 25, 1936, sec. 1; May 22, 1937, sec. 1.)

# CERTIFICATE OF SERVICE AS ABLE SEAMAN

Mar. 4, 1915, sec. 13 (46 U. S. C. 672). (b) Application may be made to any board of local inspectors for a certificate of service as able seaman, and upon proof being made to said board by affidavit and examination, under rules approved by the Secretary of Commerce, showing the nationality and age of the applicant, the vessel or vessels on which he has had service, that he is skilled in the work usually performed by able seamen, and that he is entitled to such certificate under the provisions of this section, the board of local inspectors shall issue to said applicant a certificate of service as able seaman, which shall be retained by him and be accepted as prima-facie evidence of his rating as an able seaman. (June 25, 1936, sec. 1.)

#### RECORD OF CERTIFICATES OF SERVICE

Mar. 4, 1915, sec. 13 (46 U. S. C. 672). (c) Each board of local inspectors shall keep a complete record of all certificates of service

issued by them and to whom issued and shall keep on file the affidavits and records of examinations upon which said certificates are issued. (June 25, 1936, sec. 1.)

# MUSTER OF CREW ON MOTION OR INFORMATION

Mar. 4, 1915, sec. 13 (46 U.S. C. 672). (d) The collector of customs may, upon his own motion, and shall, upon the sworn information of any reputable citizen of the United States setting forth that this section is not being complied with, cause a muster of the crew of any vessel to be made to determine the fact, at which muster said reputable citizen must be present; and no clearance shall be given to any vessel failing to comply with the provisions of this section: Provided, That the collector of customs shall not be required to cause such muster of the crew to be made unless said sworn information has been filed with him for at least six hours before the vessel departs, or is scheduled to depart: Provided further, That any person that shall knowingly make a false affidavit for such purpose shall be deemed guilty of perjury and upon conviction thereof shall be punished by a fine not exceeding \$500 or by imprisonment not exceeding one year, or by both such fine and imprisonment, within the discretion of the court. Any violation of any provision of this section by the owner, master, or officer in charge of the vessel shall subject the owner of such vessel to a penalty of not less than \$100 and not more than \$500: Provided further, That the Secretary of Commerce shall make such rules and regulations as may be necessary to carry out the provisions of this section, and nothing herein shall be held or construed to prevent the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, from making rules and regulations authorized by law as to vessels excluded from the operation of this section: And provided further, That no certificate of service as able seaman shall be issued by any board of local inspectors until after examination of the applicant therefor, under the rules and regulations prescribed by the Secretary of Commerce, as to his efficiency, and upon proof, as a result of such examination, that he has been trained in and is acquainted with the duties entitling him to such rating. No seaman shall be considered a "able seaman" within the meaning of the laws of the United States relating to the manning of vessels unless he is in possession of such certificate issued by the board of local inspectors. All certificates as "able seaman" and "lifeboatman" issued by the several boards of local inspectors or other Federal officers prior to the passage of this act shall, within six months thereafter, be surrendered to such boards of local inspectors for cancelation, and there shall be issued in lieu thereof to all able seamen and lifeboatmen found qualified by such examination new certificates as required by law: Provided, That if due to inability on the part of the Department of Commerce to carry out the provisions of this subsection with regard to all seamen, the Secretary of Commerce may, in his discretion, extend the time for a period not to exceed three months. Such new certificates shall be stamped with the seal of the board of local inspectors, placed partially over the signature of the applicant for such certificate; and there shall be attached thereto a photograph of the applicant. Any other safeguards which, in the judgment of the Secretary of Commerce, may be necessary and advisable to establish the authenticity of the certificate, are hereby authorized. (June 25, 1936, sec. 1.)

# CERTIFICATE OF SERVICE AS QUALIFIED MEMBER OF ENGINE DEPARTMENT

Mar. 4, 1915, sec. 13 (46 U. S. C. 672). (e) No vessel to which this section applies may be navigated unless all of the complement in her engine department above the rating of coal passer or wiper and below the rating of licensed officer shall be holders of a certificate of service as a qualified member of the engine department. The local inspectors of the Bureau of Marine Inspection and Navigation shall, upon application and examination as to competence and physical condition, as prescribed by the Secretary of Commerce, issue such a certificate of service. An applicant for such rating shall produce to such inspectors definite proof of at least six months' service at sea in a rating at least equal to that of coal passer or wiper in the engine department of vessels required by this act to have such certificated men or proof that he is a graduate of a school ship approved by and conducted under rules prescribed by the Secretary of Commerce. (June 25, 1936, sec. 1; May 22, 1937, sec. 2.)

## RULES AS TO CERTIFICATES OF SERVICE OR EFFICIENCY

Mar. 4, 1915, sec. 13 (46 U. S. C. 672). (f) As to the certificates of service or efficiency, the Secretary shall promulgate rules covering the form, contents, and manner of issuance, which shall include a provision that copies of these and all documents pertaining thereto be filed in the local offices and in the central office in Washington. (June 25, 1936, sec. 1.)

# CERTIFICATES OF SERVICE FOR RATINGS ISSUED WITHOUT EXAMINATION

MAR. 4, 1915, sec. 13 (46 U. S. C. 672). (g) The boards of local inspectors of the Bureau of Marine Inspection and Navigation shall, without examination (except food handlers who must be free from communicable disease), issue to all members of the crews of merchant vessels of the United States (except licensed officers), certificates of service for ratings other than as able seaman or a qualified member of the engine department, which certificates shall authorize them to serve in the capacities specified in such certificates: Provided, That such certificates shall not issue before oath has been taken before one of the said inspectors that the applicant therefor will faithfully and honestly perform all the duties required of him by law, and carry out the lawful orders of his superior officers on shipboard and, in the case of a radio operator, shall produce to the local inspectors his unexpired license issued by the Federal Communications Commission to act in that capacity: And provided further, That when a certificate has been revoked or suspended under the provisions of subsection (h) of this section, a new certificate shall not be issued until a board of local inspectors shall determine that the issue of such new certificate is compatible with the requirements of good discipline and safety at sea. (June 25, 1936, sec. 1.)

## Suspension or Revocation of Certificates

Mar. 4, 1915, sec. 13 (46 U. S. 672). (h) All certificates of service or efficiency issued by the Bureau of Marine Inspection and Navi-

gation shall be subject to suspension or revocation on the same grounds and in the same manner and with like procedure as is provided in the case of suspension or revocation of licenses of officers under the provisions of section 4450 of the Revised Statutes. (June 25, 1936, sec. 1.) [See p. 459.]

## PENALTY FOR SERVICE WITHOUT CERTIFICATE

Mar. 4, 1915, sec. 13 (46 U. S. C. 672). (i) It shall be unlawful to employ any person, or for any person to serve aboard any merchant vessel of the United States, below the rating of licensed officer, who has not a certificate of service issued by a board of local inspectors, and anyone violating this section shall be liable to a penalty of \$100 for each offense. (June 25, 1936, sec. 1.)

#### PRESENT FREEDOM OF SEAMAN UNIMPAIRED

Mar. 4, 1915, sec. 13 (46 U. S. C. 672). (k) Nothing herein shall be construed to impose, sanction, or permit any condition of involuntary servitude nor to prevent any seaman from leaving the service of any vessel when in a safe harbor to the same extent and with like effect as under the provisions of existing law. (June 25, 1936, sec. 1.)

EXCEPTIONS TO ACT JUNE 25, 1936; UNRIGGED VESSELS, TUGS, AND TOW BOATS

June 16, 1938, sec. 1 (46 U. S. C. 672b). The provisions of section 1 of the Act of Congress approved June 25, 1936, as amended (U. S. C., 1934 edition, Supp. II, title 46, sec. 643), requiring the manning of certain merchant vessels by persons holding certificates of service or efficiency issued by the Bureau of Marine Inspection and Navigation shall not apply as to unrigged vessels, except seagoing barges, and that, insofar as said provisions apply to tugs and towboats, the said provisions are hereby modified as follows:

(a) Able seamen shall not be required in the deck crew of tugs and towboats on the bays and sounds connected directly with the seas, and every person may be rated an able seaman for the purpose of serving on tugs and towboats on the seas who is nineteen years of age and upwards and who has had at least eighteen months of service on deck at sea or on the Great Lakes or on the bays and

sounds connected directly with the seas; and

(b) Service and rating at least equal to that of coal passer or wiper in the engine department of tugs and towboats operating on the seas or Great Lakes or on the bays and sounds connected directly with the seas shall be considered as meeting the requirement of subsection (e) of section 1 of said Act which requires that an applicant for rating under that subsection shall produce to the inspector of the Bureau of Marine Inspection and Navigation definite proof of at least six months' service at sea in a rating at least equal to that of coal passer or wiper in the engine department of vessels required by said Act to have such certificated men.

Nothing in this section shall restrict or modify any of the other provisions of section 1 of said Act which must be complied with

before the certificates therein authorized can be granted.

# "Unrigged Vessel" and "Seagoing Barge" Defined

June 16, 1938, sec. 4 (46 U. S. C. 672c). When used in this Act—

(1) The term "unrigged vessel" means any vessel that is not

self-propelled;

(2) The term "seagoing barge" means any barge which from its design and construction may be reasonably expected to encounter and ride out the ordinary perils of the seas and which in fact in the usual course of its operations passes outside the line dividing inland waters from the high seas, as defined in section 2 of the Act of February 19, 1895, as amended (U. S. C., 1934 edition, title 33, sec. 151).

# Watches; Hours of Labor; Legal Holidays.

Mar. 4, 1915, sec. 2 (46 U. S. C. 673). In all merchant vessels of the United States of more than one hundred tons gross, excepting those navigating rivers, harbors, lakes (other than Great Lakes), bays, sounds, bayous, and canals, exclusively, the licensed officers and sailors, coal passers, firemen, oilers, and water tenders shall, while at sea, be divided into at least three watches, which shall be kept on duty successively for the performance of ordinary work incident to the sailing and management of the vessel. No licensed officer or seaman in the deck or engine department of any tug documented under the laws of the United States (except boats or vessels used exclusively for fishing purposes) navigating the Great Lakes, harbors of the Great Lakes, and connecting and tributary waters between Gary, Indiana; Duluth, Minnesota; Niagara Falls, New York; and Ogdensburg, New York, shall be required or permitted to work more than eight hours in one day except in case of extraordinary emergency affecting the safety of the vessel and/or life or property. The seamen shall not be shipped to work alternately in the fireroom and on deck, nor shall those shipped for deck duty be required to work in the fireroom, or vice versa; nor shall any licensed officer or seaman in the deck or engine department be required to work more than eight hours in one day; but these provisions shall not limit either the authority of the master or other officer or the obedience of the seamen when in the judgment of the master or other officer the whole or any part of the crew are needed for maneuvering, shifting berth, mooring, or unmooring the vessel, or the performance of work necessary for the safety of the vessel, her passengers, crew, and cargo, or for the saving of life aboard other vessels, in jeopardy, or when in port or at sea, from requiring the whole or any part of the crew to participate in the performance of fire, lifeboat, or other drills. While such vessel is in a safe harbor no seaman shall be required to do any unnecessary work on Sundays or the following-named days: New Year's Day, the Fourth of July, Labor Day, Armistice Day, Thanksgiving Day, and Christmas Day, but this shall not prevent the dispatch of a vessel on regular schedule or when ready to proceed on her voyage. And at all times while such vessel is in a safe harbor, eight hours, inclusive of the anchor watch, shall constitute a day's work. Whenever the master of any vessel shall fail to comply with this section and the regulation issued thereunder, the owner shall be liable to a penalty not to exceed \$500, and the seamen shall

be entitled to discharge from such vessel and to receive the wages earned. But this section shall not apply to vessels engaged in salvage operations: *Provided*, That in all tugs and barges subject to this section when engaged on a voyage of less than lik hundred miles, the licensed officers and members of crews other than coal passers, firemen, oilers, and water tenders may, while at sea, be divided into not less than two watches, but nothing in this proviso shall be constructed as repealing any part of section 4463 of the Revised Statutes. (June 25, 1936; May 13, 1938; June 23, 1938.)

Application to Fishing or Whaling Vessels or Yachts.

JUNE 25, 1936, sec. 8 (46 U. S. C. 690). No provision of this act and no amendment made by this act shall apply to fishing or whaling vessels or yachts: Provided, however, That the provisions of law herein amended shall continue in effect insofar as they are applicable to said vessels or yachts with like force and effect as if this act had not been passed.

# Inspection of Crew Quarters.

June 25, 1936, sec. 4 (46 U.S. C. 660a). (a) The local inspectors of the Bureau of Marine Inspection and Navigation shall inspect the crew quarters of every American vessel, at least once in each month, or at such times as such vessel shall enter an American port, and shall satisfy themselves that such quarters are of the size required by law or regulations issued thereunder, are properly ventilated and in a clean and sanitary condition, and are equipped with the proper plumbing and mechanical appliances required by law or regulations issued thereunder, and that such plumbing and mechanical appliances are properly ventilated.

ances are in good working order and condition.

(b) Whenever it shall be found that the crew quarters of any such vessel are not of the size required by law or regulations issued thereunder or are not properly ventilated or are not in a clean and sanitary condition or are not equipped with the proper plumbing and mechanical appliances required by law or regulations issued thereunder, or that such plumbing and mechanical appliances are not in good working order and condition, the appropriate board of local inspectors shall withdraw the certificate of inspection of such vessel and refuse to reissue the same until such improper conditions have been corrected; and the master or other licensed officer of such vessel who shall have willfully or negligently permitted such vessel to be in such improper condition shall be subject to a penalty of not more than \$500.

# Unrigged Vessels Exempt.

June 16, 1938, sec. 2 (46 U.S. C. 660b). The provisions of sec. 4 of the Act aforesaid (June 25, 1936) shall not apply to unrigged vessels except seagoing barges. (For definition term "unrigged vessels" and "seagoing barges" see p. 202.)

# Citizenship Requirements.

# On Vessels of the United States

June 25, 1936, sec. 5 (46 U.S.C. 672a). (a) From and after the enactment of this act all licensed officers and pilots of vessels of the

United States shall be citizens of the United States, native-born, or

completely naturalized.

(b) From and after six months after the enactment of this act upon each departure of any such vessel from a port of the United States, 75 per centum of the crew, excluding licensed officers, shall be citizens of the United States, native-born, or completely naturalized, unless the Secretary of Commerce shall, upon investigation, ascertain that qualified citizen seamen are not available, when, under such conditions, he may reduce the above percentages.

(c) If any vessel while on a foreign voyage is for any reason deprived of the services of any member of the crew, such position or vacancy caused by the promotion of another to such position may be supplied by a person other than defined in paragraphs (a) and (b) until the first call of such vessel at a port in the United States

where such replacements can be obtained.

(d) The owner, agent, or officer of any such vessel, who shall employ any person in violation of the provisions of this section, shall be subject to a penalty of \$500 for each offense.

## On Subsidized Vessels

June 29, 1936, sec. 302 (46 U.S. C. 1132). (a) All licensed officers of vessels documented under the laws of the United States, as now required by law, shall be citizens of the United States, native-born or completely naturalized; and upon each departure from the United States of a cargo vessel in respect of which a construction or operating subsidy has been granted all of the crew (crew including all employees of the ship) shall be citizens of the United States, native-

born or completely naturalized.

(b) For a period of one year after the effective date of this act, upon each departure from the United States of a passenger vessel in respect of which a construction or operation subsidy has been granted, all licensed officers shall be citizens of the United States as defined above, and no less than 80 per centum of the crew (crew including all employees of the ship other than officers) shall be citizens of the United States, native-born or completely naturalized, and thereafter the percentage of citizens, as above defined, shall be increased 5 per centum per annum until 90 per centum of the entire crew, including all licensed officers of any such vessel, shall be citizens of the United States, native-born or completely naturalized.

(c) Any member of the crew, not required by this section to be a citizen of the United States, may be an alien only if he is in possession of a valid declaration of intention to become a citizen of the United States, or other evidence of legal admission to the United States for permanent residence. Such alien, as above defined, may be employed only in the steward's department on passenger vessels.

(d) If any such vessel (as above defined) while on a foreign voyage is for any reason deprived of the services of any employee below the grade of master, his place or a vacancy caused by the promotion of another to his place may be supplied by a person other than defined in paragraphs (a) and (b), until the first return of such vessel to a port in the United States.

- (e) The owner, agent, or officer of any such vessel who knowingly employs any person in violation of the provisions of this act shall, upon conviction thereof, be fined \$50 for each person so employed.
- (f) This section shall be enforced by the Secretary of Commerce, for the purpose of carrying out the provisions of this section, and shall take effect ninety days after its enactment, and will then repeal paragraph (c), section 405, Merchant Marine Act, 1928.

Penalty for Fraud.

June 25, 1936, sec. 6 (46 U. S. C. 710a). Any person who (1) shall receive or have in his possession any certificate, license, or document issued to vessels or officers or seamen by the Bureau of Marine Inspection and Navigation or by any officer or employee of the United States authorized by law to represent such Bureau, to which he is not lawfully entitled, with intent unlawfully to use the same; or (2) shall use or exhibit or attempt to use or exhibit any such certificate, license, or document to which he is not lawfully entitled; or (3) without lawful authority shall alter or change, or attempt to change, any such certificate, license, or document by addition, interpolation, deletion, or erasure; or (4) shall forge, counterfeit, or steal, or shall attempt to forge, counterfeit, or steal, any such certificate, license, or document; or (5) shall unlawfully have in his possession or knowingly use any such altered, changed, forged, counterfeit, or stolen certificate, license, or document; or (6) shall print or manufacture, or cause to be printed or manufactured, any blank form of such certificate, license, or document without first obtaining the authority of the Bureau of Marine Inspection and Navigation; or (7) shall have in his possession without lawful excuse, and with intent unlawfully to use the same, any blank form of such certificate, license, or document; or (8) shall in any manner transfer, or cause to be so transferred, or negotiate such transfer of, any blank form of such certificate, license, or document, or any such altered, changed, forged, counterfeit, or stolen certificate, license, or document, or any such certificate, license, or document to which the party transferring or receiving the same is not lawfully entitled; or (9) shall aid or abet the perpetration of any of the foregoing acts shall for each offense, upon conviction thereof, be fined not more than \$5,000 or imprisoned for not more than five years, or both.

Secretary of Commerce to Enforce Act and Promulgate Regulations Thereunder.

June 25, 1936, sec. 7 (46 U. S. C. 689). The Secretary of Commerce shall enforce this act as to all vessels of the United States subject to the provisions of this act through collectors of customs and other Government officers acting under the direction of the Bureau of Marine Inspection and Navigation, and shall make such rules and regulations as he may deem necessary to carry out the provisions of this act.

Discharge and Payment of Wages; Foreign and Intercoastal.2

R. S. 4549 (46 U. S. C. 641). All seamen discharged in the United States from merchant vessels engaged in voyages from a port in the United States to any foreign port, or, being of the burden of seventy-five tons or upward, from a port on the Atlantic to a port on the Pacific, or vice versa, shall be discharged and receive their wages in the presence of a duly authorized shipping commissioner under this Title [R. S. 4501-4612], except in cases where some competent court otherwise directs; and any master or owner of any such vessel who discharges any such seaman belonging thereto, or pays his wages within the United States in any other manner, shall be liable to a penalty of not more than \$50.

## MASTER MUST FURNISH WAGE ACCOUNT

R. S. 4550 (46 U. S. C. 642). Every master shall, not less than forty-eight hours before paying off or discharging any seaman, deliver to him, or, if he is to be discharged before a shipping commissioner, to such shipping commissioner, a full and true account of his wages, and all deductions to be made therefrom on any account whatsoever; and in default shall, for each offense, be liable to a penalty of not more than \$50. No deduction from the wages of any seaman except in respect of some matter happening after such delivery shall be allowed, unless it is included in the account delivered; and the master shall, during the voyage, enter the various matters in respect to which such deductions are made, with the amounts of the respective deductions as they occur, in the official log book, and shall, if required, produce such book at the time of the payment of wages, and also, upon the hearing, before any competent authority, of any complaint or question relating to such payment.

CONTINUOUS DISCHARGE BOOKS AND CERTIFICATES OF IDENTIFICATION

R. S. 4551 (46 U. S. C. 643). (a) Every seaman upon a merchant vessel of the United States of the burden of one hundred gross tons or upward, except vessels employed exclusively in trade on the navigable rivers of the United States, shall be furnished, at the option of the seaman, with a book to be known as a continuous discharge book or with a certificate of identification, which book or certificate shall be retained by the seaman and shall contain the signature of the seaman to whom it is so furnished and a statement of his nationality, age, personal description, photograph, thumbprint, and home address. Such books or certificates shall be issued by the shipping commissioners, or, at ports where no shipping commissioners have been appointed, by collectors or deputy collectors of customs or United States local inspectors of steam vessels, in such manner and form as the Director of the Bureau of Marine Inspection and Navigation, subject to the approval of the Secretary of Commerce, shall determine. Any individual, firm, partnership, corporation, or association which shall issue any such book or certificate, or make any statement or

<sup>&</sup>lt;sup>2</sup> Sec. 209 (b) and Sec. 604 of the Act of Aug. 10, 1939, which amended the Social Security Act, have apparently made the provisions of the Social Security Act applicable to scamen employed on American vessels.

endorsement therein, except as authorized by the provisions of this section, or issue any imitation of any such book or certificate, shall be deemed guilty of a misdemeanor and shall be imprisoned not less than one month nor more than three months, in the discretion of the court.

(b) Any person applying for such book or certificate and claiming to be a citizen of the United States shall furnish satisfactory

evidence of such citizenship.

(c) No seaman shall be employed on any vessel to which this section applies until he has exhibited a certificate of identification or a continuous discharge book to the shipping commissioner, or in cases where seamen are not signed on before the shipping commissioner, to the master of the vessel: Provided, That the provisions of this subsection shall not apply to the employment of seamen at a foreign port or place, in which case seamen so employed shall be furnished a continuous discharge book or a certificate of identification, in accordance with the provisions of subsection (a) of this section, at the first port of entry in the United States or its territories at which the vessel arrives after such seamen are so employed.

(d) Upon the discharge of any seaman and the payment of his wages, the shipping commissioner shall enter in the continuous discharge book of such seaman, if the seaman carries such a book, the name and official number of the vessel, the nature of the voyage (foreign, intercoastal, or coastwise), the class to which the vessel belongs (steam, motor, sail, or barge), the date and place of the shipment and of the discharge of such seaman, the rating (capacity in which employed) then held by such seaman, and the signature of

the person making such entries and nothing more.

(e) For the purpose of furnishing evidence of sea service in the case of seamen preferring the certificate of identification instead of the continuous discharge book, the Bureau of Marine Inspection and Navigation shall provide a certificate of discharge, printed on durable paper, in such form as to specify the name and citizenship of the seaman to whom it is issued, the serial number of his certificate of identification, the name and official number of the vessel, the nature of the voyage (foreign, intercoastal, or coastwise), the class to which the vessel belongs (steam, motor, sail, or barge), the date and place of the shipment and of the discharge of such seaman, and the rating (capacity in which employed) then held by such seaman. Records of service entered in either continuous discharge books or certificates of discharge shall contain no reference to the character or ability of the seaman. The shipping commissioner shall issue such certificate of discharge and make the proper entries therein, which certificate shall be signed by the seaman to whom it is issued and the master of the vessel and shall be witnessed by such shipping commissioner.

(f) There shall be maintained in the Bureau of Marine Inspection and Navigation in Washington, District of Columbia, a record of every continuous discharge book, certificate of identification, certificate of discharge, and any other certificate issued by the Bureau of Marine Inspection and Navigation, together with the name and address of the seaman to whom it is issued and of his next of kin, and certified copies of all entries made in continuous discharge books

or certificates of discharge, which entries shall be forwarded to the Bureau by the shipping commissioner or other person making such entries in accordance with the provisions of this section. Records so maintained shall not be open for general or public use or inspection.

(g) Any person, partnership, company, or corporation who shall require any seaman employed or applying for employment to possess, produce, or carry a continuous discharge book, if and when such seaman possesses or carries an identification certificate, or to carry an identification certificate, if and when such seaman possesses and carries a continuous discharge book, or who shall exchange or give to any other person, partnership, company, or corporation information to cause discrimination against a seaman for electing to carry either an identification certificate or a continuous discharge book, or to prevent a seaman from obtaining employment on that account, shall be deemed guilty of a misdemeanor; and, on conviction thereof, shall be punishable by a fine of not more than \$1,000 or imprisonment for not more than one year, at the discretion of the court.

Seamen shall apply for certificates of identification or continuous discharge books hereunder; and if any application contains any statement known by the applicant to be false, he shall be deemed guilty of a misdemeanor and, on conviction thereof before any district court of the United States, shall be fined not more than \$1,000 or imprisoned for not more than one year, in the discretion of the

court.

(h) In case of the loss of a continuous discharge book, a certificate of identification, or of any certificate of discharge by shipwreck or other casualty, the seaman shall be supplied with a duplicate of such continuous discharge book, certificate of identification, or certificate of discharge in which shall be entered all data that may be available from the copies of records kept by the Bureau of Marine Inspection and Navigation. In other cases of loss the seaman may obtain a duplicate of such continuous discharge book, certificate of identification, or certificates of discharge, containing the same entries, upon a payment of a sum equivalent to the cost thereof to the Government to be determined from time to time by the Secretary of Commerce.

(i) The provisions of this section shall not apply to fishing or

whaling vessels or yachts.

(j) The Secretary of Commerce shall enforce this section as to all vessels of the United States subject to the provisions hereof through collectors of customs and other Government officers acting under the direction of the Bureau of Marine Inspection and Navigation, and shall make such rules and regulations as he may deem

necessary to carry out the provisions of this section.

(k) Where vessels are required to sign on and discharge the crew before a shipping commissioner and no shipping commissioner is appointed or is available the functions and duties required by subsections (d) and (e) of this section to be performed by such shipping commissioner may be performed by a collector or deputy collector of customs; and where vessels are not required to sign on and discharge the crew before a shipping commissioner the duties and functions required by subsections (d) and (e) of this section to be performed by the shipping commissioner shall be performed by

the master of such vessel. Any master who shall fail to perform such duties or functions shall be fined in the sum of \$50 for each offense. (June 25, 1936, sec. 3; Mar. 24, 1937, sec. 1.)

Note.—For penalty for employing seaman without continuous discharge book or certificate of identification, see R. S. 4515, p. 191.

#### Exemption for Unrigged Vessels

JUNE 16, 1938, sec. 3 (46 U. S. C. 643a). Provisions of Section 4551, R. S., as amended, shall not apply to unrigged vessels except seagoing barges. (For definitions of "unrigged vessel," and "seagoing barge," as used above, see p. 202).

## DISCHARGE IN FOREIGN PORTS

R. S. 4580 (46 U. S. C. 682). Upon the application of the master of any vessel to a consular officer to discharge a seaman, or upon the application of any seaman for his own discharge, if it appears to such officer that said seaman has completed his shipping agreement, or is entitled to his discharge under any act of Congress or according to the general principles or usages of maritime law as recognized in the United States, such officer shall discharge said seaman, and require from the master of said vessel, before such discharge shall be made, payment of the wages which may then be due said seaman; but no payment of extra wages shall be required by any consular officer upon such discharge of any seaman except as provided in this Act. [46 U. S. C. 221, 658, 682, 683, 684, 685, 703.] (June 26, 1884, sec. 2.)

# PENALTY FOR FAILURE OF CONSULAR OFFICER TO COLLECT WAGES; INCAPACITATED SEAMAN

R. S. 4581 (46 U. S. C. 683). If any consular officer, when discharging any seaman, shall neglect to require the payment of and collect the arrears of wages and extra wages required to be paid in the case of the discharge of any seaman, he shall be accountable to the United States for the full amount thereof. The master shall provide any seaman so discharged with employment on a vessel agreed to by the seaman, or shall provide him with one month's extra wages, if it shall be shown to the satisfaction of the consul that such seaman was not discharged for neglect of duty, incompetency, or injury incurred on the vessel. If the seaman is discharged by voluntary consent before the consul, he shall be entitled to his wages up to the time of his dicharge, but not for any further period. If the seaman is discharged on account of injury or illness, incapacitating him for service, the expenses of his maintenance and return to the United States shall be paid from the fund for the maintenance and transportation of destitute American seamen: Provided, That at the discretion of the Secretary of Commerce, and under such regulations as he may prescribe, if any seaman incapacitated from service by injury or illness is on board a vessel so situated that a prompt discharge requiring the personal appearance of the master of the vessel before an American consul or consular agent is impracticable, such seaman may be sent to a consul or consular agent, who shall care for him and defray the cost of his maintenance and transportation, as provided in this paragraph. (June 26, 1884, sec. 7; Apr. 4, 1888, sec. 3; Dec. 21, 1898, sec. 16, Mar. 4, 1915, sec. 19.)

## WAGES ON DISCHARGE IN CASE VESSEL SOLD FOREIGN

R. S. 4582 (46 U. S. C. 684). Whenever a vessel of the United States is sold in a foreign country and her company discharged, it shall be the duty of the master to produce to the consular officer a certified list of the ship's company, and also the shipping articles, and besides paying to each seaman or apprentice the wages due him, he shall either provide him with adequate employment on board some other vessel bound to the port at which he was originally shipped, or to such other port as may be agreed upon by him, or furnish the means of sending him to such port, or provide him with a passage home, or deposit with the consular officer such a sum of money as is by the officer deemed sufficient to defray the expenses of his maintenance and passage home; and the consular officer shall indorse upon the agreement with the crew of the ship which the seaman or apprentice is leaving the particulars of any payment, provision, or deposit made under this section. A failure to comply with the provisions of this section shall render the owner liable to a fine of not exceeding \$50. (June 26, 1884, sec. 5; Dec. 21, 1898, sec. 17.)

## Wages on Justifiable Complaint of Seaman

R. S. 4583 (\$\mathcal{U}\$ U. S. C. 685). Whenever on the discharge of a seaman in a foreign country by a consular officer on his complaint that the voyage is continued contrary to agreement, or that the vessel is badly provisioned or unseaworthy, or against the officers for cruel treatment, it shall be the duty of the consul or consular agent to institute a proper inquiry into the matter, and, upon his being satisfied of the truth and justice of such complaint, he shall require the master to pay to such seaman one month's wages over and above the wages due at the time of discharge, and to provide him with adequate employment on board some other vessel, or provide him with a passage on board some other vessel bound to the port from which he was originally shipped, or to the most convenient port of entry in the United States, or to a port agreed to by the seaman. (June 26, 1884, sec. 3; Dec. 21, 1898, sec. 18.)

# AGREEMENTS AS TO LOSS OF LIEN OR RIGHT TO WAGES

R. S. 4535 (46 U. S. C. 600). No seaman shall, by any agreement other than is provided by this Title [R. S. 4501-4612], forfeit his lien upon the ship, or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled; and every stipulation in any agreement inconsistent with any provision of this Title, and every stipulation by which any seaman consents to abandon his right to his wages in the case of the loss of the ship, or to abandon any right which he may have or obtain in the nature of salvage, shall be wholly inoperative. (See page 457.)

## Rules for Settlement of Wages

R. S. 4552 (46 U. S. C. 644). The following rules shall be observed

with respect to the settlement of wages:

First. Upon the completion, before a shipping commissioner, of any discharge and settlement, the master or owner and each seaman, respectively, in the presence of the shipping commissioner, shall sign a mutual release of all claims for wages in respect of the past voyage or engagement, and the shipping commissioner shall also sign and attest it, and shall retain it in a book to be kept for that purpose, provided both the master and seaman assent to such settlement, or the settlement has been adjusted by the shipping commissioner.

Second. Such release, so signed and attested, shall operate as a mutual discharge and settlement of all demands for wages between the parties thereto, on account of wages, in respect of the past voyage

or engagement.

Third. A copy of such release, certified under the hand and seal of such shipping commissioner to be a true copy, shall be given by him to any party thereto requiring the same, and such copy shall be receivable in evidence upon any future question touching such claims, and shall have all the effect of the original of which it purports to be a copy.

Fourth. In cases in which discharge and settlement before a shipping commissioner are required, no payment, receipt, settlement, or discharge otherwise made shall operate as evidence of the release or

satisfaction of any claim.

Fifth. Upon payment being made by a master before a shipping commissioner, the shipping commissioner shall, if required, sign and give to such master a statement of the whole amount so paid; and such statement shall, between the master and his employer, be received as evidence that he has made the payments therein mentioned.

#### COMMENCEMENT OF WAGES

R. S. 4524 (46 U. S. C. 591). A seaman's right to wages and provisions shall be taken to commence either at the time at which he commences work, or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens.

# Wages Not Dependent on Freight Earned

R. S. 4525 (46 U. S. C. 592). No right to wages shall be dependent on the earning of freight by the vessel; but every seaman or apprentice who would be entitled to demand and receive any wages if the vessel on which he has served had earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to claim and recover the same of the master or owner in personam, notwithstanding that freight has not been earned. But in all cases of wreck or loss of vessel, proof that any seaman or apprentice has not exerted himself to the utmost to save the vessel, cargo, and stores shall bar his claim.

# Wages Terminate Upon Loss of Vessel; Transportation to Place of Shipment

R. S. 4526 (46 U. S. C. 593). In cases where the service of any seaman terminates before the period contemplated in the agreement, by reason of the loss or wreck of the vessel, such seaman shall be entitled to wages for the time of service prior to such termination, but not for any further period. Such seaman shall be considered as a destitute seaman and shall be treated and transported to port of shipment as provided in sections 4577 and 4578 of the Revised Statutes of the United States. [This section shall apply to fishing and whaling vessels but not to yachts—Dec. 21, 1898, sec. 26.] (Dec. 21, 1898, sec. 3; Mar. 5, 1934.)

# RIGHT TO WAGES IN CASE OF IMPROPER DISCHARGE

R. S. 4527 (46 U. S. C. 594). Any seaman who has signed an agreement and is afterward discharged before the commencement of the voyage or before one month's wages are earned, without fault on his part justifying such discharge, and without his consent, shall be entitled to receive from the master or owner, in addition to any wages he may have earned, a sum equal in amount to one month's wages as compensation and may, on adducing evidence satisfactory to the court hearing the case of having been improperly discharged, recover such compensation as if it were wages duly earned.

# SEAMAN'S CONDUCT AFFECTS RIGHT TO WAGES

R. S. 4528 (46 U. S. C. 595). No seaman or apprentice shall be entitled to wages for any period during which he unlawfully refuses or neglects to work when required, after the time fixed by the agreement for him to begin work, nor, unless the court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offense committed by him.

# TIME FOR PAYMENT OF WAGES; PENALTY FOR FAILURE TO COMPLY

R. S. 4529 (46 U. S. C. 596 and 598). The master or owner of any vessel making coasting voyages shall pay to every seaman his wages within two days after the termination of the agreement under which he was shipped, or at the time such seaman is discharged, whichever first happens; and in case of vessels making foreign voyages, or from a port on the Atlantic to a port on the Pacific, or vice versa, within twenty-four hours after the cargo has been discharged, or within four days after the seaman has been discharged, whichever first happens; and in all cases the seaman shall be entitled to be paid at the time of his discharge on account of wages a sum equal to one-third part of the balance due him. Every master or owner who refuses or neglects to make payment in the manner hereinbefore mentioned without sufficient cause shall pay to the seaman a sum equal to two days' pay for each and every day during which payment is delayed beyond the respective periods, which sum shall be recoverable as wages in any claim made before the court; but this section shall not apply to masters or owners of any vessel the seamen of which are entitled to share

in the profits of the cruise or voyage. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, sec. 26—but this section shall apply to all vessels engaged in the taking of oysters—June 28, 1906, sec. 4.] (Dec. 21, 1898, sec. 4; June 28, 1906, sec. 4; Mar. 4, 1915, sec. 3.)

Advances; Amount; Time; Penalty for Failure of Master To Comply

R. S. 4530 (46 U. S. C. 597). Every seaman on a vessel of the United States shall be entitled to receive on demand from the master of the vessel to which he belongs one-half part of the balance of his wages earned and remaining unpaid at the time when such demand is made at every port where such vessel, after the voyage has been commenced, shall load or deliver cargo before the voyage is ended, and all stipulations in the contract to the contrary shall be void: Provided, Such a demand shall not be made before the expiration of, nor oftener than once in five days nor more than once in the same harbor on the same entry. Any failure on the part of the master to comply with this demand shall release the seaman from his contract and he shall be entitled to full payment of wages earned. And when the voyage is ended every such seaman shall be entitled to the remainder of the wages which shall be then due him, as provided in section 4529 of the Revised Statutes: Provided further, That notwithstanding any release signed by any seaman under section 4552 of the Revised Statutes, any court having jurisdiction may upon good cause shown set aside such release and take such action as justice shall require: And provided further, That this section shall apply to seamen on foreign vessels while in harbors of the United States, and the courts of the United States shall be open to such seamen for its enforcement. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, sec. 26.] (Dec. 21, 1898, sec, 5: Mar. 4, 1915, sec. 4: June 5, 1920, sec. 31.)

## SUMMONS FOR NON PAYMENT

R. S. 4546 (46 U. S. C. 603). Whenever the wages of any seaman are not paid within ten days after the time when the same ought to be paid according to the provisions of this Title [R. S. 4501-4612], or any dispute arises between the master and seamen touching wages, the district judge for the judicial district where the vessel is, or in case his residence be more than three miles from the place, or he be absent from the place of his residence, then, any judge or justice of the peace, or any United States commissioner, may summon the master of such vessel to appear before him, to show cause why process should not issue against such vessel, her tackle, apparel, and furniture, according the course of admiralty courts, to answer for the wages. (May 28, 1896, sec. 19; Mar. 2, 1901; Mar. 3, 1911.)

#### LIBEL FOR WAGES

R. S. 4547 (46 U. S. C. 598 and 604). If the master against whom such summons is issued neglects to appear, or, appearing, does not show that the wages are paid or otherwise satisfied or forfeited,

and if the matter in dispute is not forthwith settled, the judge or justice or United States commissioner shall certify to the clerk of the district court that there is sufficient cause of complaint whereon to found admiralty process; and thereupon the clerk of such court shall issue process against the vessel. In all cases where the matter in demand does not exceed one hundred dollars the return day of the monition or citation shall be the first day of a stated or special session of court next succeeding the third day after the service of the monition or citation, and on the return of process in open court, duly served, either party may proceed therein to proofs and hearing without other notice, and final judgment shall be given according to the usual course of admiralty courts in such cases. In such suits all the seamen having cause of complaint of the like kind against the same vessel may be joined as complainants, and it shall be incumbent on the master to produce the contract and log book, if required to ascertain any matter in dispute; otherwise the complainants shall be permitted to state the contents thereof, and the burden of proof of the contrary shall be on the master. But nothing herein contained shall prevent any seaman from maintaining any action at common law for the recovery of his wages, or having immediate process out of any court having admiralty jurisdiction wherever any vessel may be found, in case she shall have left the port of delivery where her voyage ended before payment of the wages, or in case she shall be about to proceed to sea before the end of the ten days next after the day when such wages are due, in accordance with section 4529 of the Revised Statutes. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, sec. 26—but this section shall apply to all vessels engaged in the taking of oysters-June 28, 1906, sec. 4.] (May 28, 1896, sec. 19; Dec. 21, 1898, sec. 6; June 28, 1906, sec. 4.)

#### WAGES PAYABLE IN GOLD

R. S. 4548 (46 U. S. C. 605). Moneys paid under the laws of the United States, by direction of consular officers or agents at any foreign port or place as wages, extra or otherwise, due American seamen shall be paid in gold or its equivalent, without any deduction whatever, any contract to the contrary notwithstanding.

#### Enforcement of Forfeitures

R. S. 4603 (46 U. S. C. 705). Any question concerning the forfeiture of, or deductions from, the wages of any seaman or apprentice may be determined in any proceeding lawfully instituted with respect to such wages, notwithstanding the offense in respect of which such question arises, though hereby made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

# Appropriation of Wages to Costs of Conviction

R. S. 4605 (46 U. S. C. 707). Whenever in any proceeding relating to seaman's wages it is shown that any seaman or apprentice has, in the course of the voyage, been convicted of any offense by any

competent tribunal, and rightfully punished therefor, by imprisonment or otherwise, the court hearing the case may direct a part of the wages due to such seaman, not exceeding fifteen dollars, to be applied in reimbursing any costs properly incurred by the master in procuring such conviction and punishment. (Feb. 27, 1877, sec. 1.)

# SUITS BY SEAMEN WITHOUT PREPAYMENT OR BOND FOR COSTS

July 12, 1917, sec. 1 (28 U. S. U. S37). Courts of the United States, including appellate courts, hereafter shall be open to seamen, without furnishing bonds or prepayment of or making deposit to secure fees or costs, for the purpose of entering and prosecuting suit or suits in their own name and for their own benefit for wages or salvage and to enforce laws made for their health and safety. (July 1, 1918, sec. 1.)

# VESSELS EXEMPT FROM LIBEL FOR WAGES

R. S. 4251 (46 U. S. C. 611). No canal boat, without masts or steam power, which is required to be registered, licensed, or enrolled and licensed, shall be subject to be libeled in any of the United States courts for the wages of any person who may be employed on board thereof, or in navigating the same.

# Wages and Effects of Deceased Seamen.

# DUTY OF MASTER WHERE SEAMAN DIES DURING VOYAGE

R. S. 4538 (46 U. S. C. 621). Whenever any seaman or apprentice belonging to or sent home on any merchant vessel, whether a foreign-going or domestic vessel, employed on a voyage which is to terminate in the United States, dies during such voyage, the master shall take charge of all moneys, clothes, and effects which he leaves on board, and shall, if he thinks fit, cause all or any of such clothes and effects to be sold by auction at the mast or other public auction, and shall thereupon sign an entry in the official log book, and cause it to be attested by the mate and one of the crew, containing the following particulars:

First. A statement of the amount of moneys so left by the deceased. Second. In case of a sale, a description of each article sold, and

the sum received for each.

Third. A statement of the sum due to deceased as wages, and the total amount of deductions, if any, to be made therefrom.

# PROCEEDINGS IN REGARD TO EFFECTS

R. S. 4539 (46 U. S. C. 622). In cases embraced by the preceding

section, the following rules shall be observed:

First. If the vessel proceeds at once to any port in the United States, the master shall, within forty-eight hours after his arrival, deliver any such effects remaining unsold, and pay any money which he has taken charge of, or received from such sale, and the balance of wages due to the deceased, to the shipping commissioner at the port of destination in the United States.

Second. If the vessel touches and remains at some foreign port before coming to any port in the United States, the master shall report the case to the United States consular officer there, and shall give to such officer any information he requires as to the destination of the vessel and probable length of the voyage; and such officer may, if he considers it expedient so to do, require the effects, money, and wages to be delivered and paid to him, and shall, upon such delivery and payment, give to the master a receipt; and the master shall within forty-eight hours after his arrival at his port of destination in the United States produce the same to the shipping commissioner there. Such consular officer shall, in any such case, indorse and certify upon the agreement with the crew the particulars with respect to such delivery and payment.

Third. If the consular officer does not require such payment and delivery to be made to him, the master shall take charge of the effects, money, and wages, and shall, within forty-eight hours after his arrival at his port of destination in the United States, deliver and

pay the same to the shipping commissioner there.

Fourth. The master shall, in all cases in which any seaman or apprentice dies during the voyage or engagement, give to such officer or shipping commissioner an account, in such form as they may respectively require, of the effects, money, and wages so to be delivered and paid; and no deductions claimed in such account shall be allowed unless verified by an entry in the official log book, if there be any; and by such other vouchers, if any, as may be reasonably required by the officer or shipping commissioner to whom the account is rendered.

Fifth. Upon due compliance with such of the provisions of this section as relate to acts to be done at the port of destination in the United States, the shipping commissioner shall grant to the master a certificate to that effect. No officer of customs shall clear any foreign-

going vessel without the production of such certificate.

#### PENALTY FOR NEGLECT OF MASTER

R. S. 4540 (46 U. S. C. 623). Whenever any master fails to take such charge of the money or other effects of a seaman or apprentice during a voyage, or to make such entries in respect thereof, or to procure such attestation to such entries, or to make such payment or delivery of any money, wages, or effects of any seaman or apprentice dying during a voyage, or to give such account in respect thereof as is above directed, he shall be accountable for the money, wages, and effects of the seaman or apprentice to the district court in whose jurisdiction such port of destination is situate, and shall pay and deliver the same accordingly; and he shall, in addition, for every such offense, be liable to a penalty of not more than treble the value of the money or effects, or, if such value is not ascertained, not more than \$200; and if any such money, wages, or effects are not duly paid, delivered, and accounted for by the master, the owner of the vessel shall pay, deliver, and account for the same, and such money and wages and the value of such effects shall be recoverable from him accordingly; and if he fails to account for and pay the same, he shall, in addition to his liability for the money and value, be liable to the same penalty which is incurred by the master for a like offense; and

all money, wages, and effects of any seaman or apprentice dying during a voyage shall be recoverable in the courts and by the modes of proceeding by which seamen are enabled to recover wages due to them. (Mar. 3, 1911, sec. 289.)

### DUTIES OF CONSULAR OFFICER

R. S. 4541 (46 U. S. C. 624). Whenever any such seaman or apprentice dies at any place out of the United States, leaving any money or effects not on board of his vessel, the consular officer of the United States at or nearest the place shall claim and take charge of such money and effects, and shall, if he thinks fit, sell all or any of such effects, or any effects of any deceased seaman or apprentice delivered to him under the provisions of this Title [R. S. 4501-4612], and shall quarterly remit to the district court of the district embracing the port from which such vessel sailed, or the port where the voyage terminates, all moneys belonging to or arising from the sale of the effects or paid as the wages of any deceased seamen or apprentices which have come to his hands; and shall render such accounts thereof as the district court requires. (Mar. 3, 1897, sec. 4; Mar. 3, 1911, sec. 289).

# DELIVERY OF WAGES AND EFFECTS TO SHIPPING COMMISSIONER

R. S. 4542 (46 U. S. C. 625). Whenever any seaman or apprentice dies in the United States, and is, at the time of his death, entitled to claim from the master or owner of any vessel in which he has served, any unpaid wages or effects, such master or owner shall pay and deliver, or account for the same, to the shipping commissioner at the port where the seaman or apprentice was discharged, or was to have been discharged, or where he died. (Mar. 3, 1897, sec. 6.)

# Shipping Commissioner to Deliver Wages and Effects to District Court

R. S. 4543 (46 U. S. C. 626). Every shipping commissioner in the United States shall, within one week from the date of receiving any such money, wages, or effects of any deceased seaman or apprentice, pay, remit, or deliver to the district court of the district in which he resides, the money, wages, or effects, subject to such deductions as may be allowed by the district court for expenses incurred in respect to such money and effects; and should any commissioner fail to pay, remit, and deliver the same to the district court, within the time hereinbefore mentioned, he shall incur a penalty of not more than treble the value of such money and effects. (Mar. 3, 1911.)

# DISTRIBUTION OF WAGES AND EFFECTS BY DISTRICT COURT

R. S. 4544 (46 U. S. C. 627). If the money and effects of any seaman or apprentice paid, remitted, or delivered to the district court, including the moneys received for any part of his effects which have been sold, either before delivery to the district court, or by its directions, do not exceed in value the sum of \$300, then, subject to the provisions hereinafter contained, and to all such deduc-

tions for expenses incurred in respect to the seaman or apprentice, or of his money and effects, as the said court thinks fit to allow, the court may pay and deliver the said money and effects to any claimants who can prove themselves either to be his widow or children, or to be entitled to the effects of the deceased under his will, or under any statute, or at common law, or to be entitled to procure probate, or take out letters of administration or confirmation although no probate or letters of administration or confirmation have been taken out, and shall be thereby discharged from all further liability in respect of the money and effects so paid and delivered; or may, if it thinks fit so to do, require probate, or letters of administration or confirmation, to be taken out, and thereupon pay and deliver the said money and effects to the legal personal representatives of the deceased; and if such money and effects exceed in value the sum of \$300, then, subject to deduction for expenses, the court shall pay and deliver the same to the legal personal representatives of the deceased. (Mar. 3, 1911.)

DISPOSAL OF UNCLAIMED WAGES AND EFFECTS BY DISTRICT COURT

R. S. 4545 (46 U. S. U. 628). A district court, in its discretion, may at any time direct the sale of the whole or any part of the effects of a deceased seaman or apprentice, which it has received or may hereafter receive, and shall hold the proceeds of such sale as the wages of deceased seamen are held. When no claim to the wages or effects or proceeds of the sale of the effects of a deceased seaman or apprentice, received by a district court, is substantiated within six years after the receipt thereof by the court, it shall be in the absolute discretion of the court, if any subsequent claim is made, either to allow or refuse the same. Such courts shall, from time to time, pay any moneys arising from the unclaimed wages and effects of deceased seamen, which in their opinion it is not necessary to retain for the purpose of satisfying claims, into the Treasury of the United States, and such moneys shall form a fund for, and be appropriated to, the relief of sick and disabled and destitute seamen belonging to the United States merchant marine service. (Mar. 3, 1897, sec. 7; Mar. 3, 1911.)

Consul to Furnish Destitute Seamen with Subsistence and Return Passage.

R. S. 4577 (46 U. S. C. 678). It shall be the duty of the consuls and vice consuls, from time to time, to provide for the seamen of the United States, who may be found destitute within their districts, respectively, sufficient subsistence and passages to some port of the United States, in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give. The seaman shall, if able, be bound to do duty on board the vessels in which they may be transported, according to their several abilities.

TRANSPORTATION OF DESTITUTE SEAMEN TO UNITED STATES; PENALTY FOR REFUSAL

R. S. 4578 (46 U. S. C. 679). All masters of vessels of the United States and bound to some port of the same, are required to

take such destitute seamen on board their vessels, at the request of consular officers, and to transport them to the port in the United States to which such vessel may be bound, on such terms, not exceeding \$10 for each person for voyages of not more than thirty days, and not exceeding \$20 for each person for longer voyages, as may be agreed between the master and the consular officer, when transportation is by a sailing vessel; and the amount agreed upon between the consular officer and the master of the vessel in each individual case not in excess of the lowest passenger rate of such vessel and not in excess of 2 cents per mile shall in each case constitute the lawful rate for transportation on steam vessels; and said consular officer shall issue certificates for such transportation, which certificates shall be assignable for collection. Every such master who refuses to receive and transport such seamen on the request or order of such consular officer shall be liable to the United States in a penalty of \$100 for each seaman so refused. The certificate of any such consular officer, given under his hand and official seal, shall be presumptive evidence of such refusal in any court of law having jurisdiction for the recovery of the penalty. No master of any vessel shall, however, be obliged to take a greater number than one man to every one hundred tons burden of the vessel on any one voyage or to take any seaman having a contagious disease.

Reasonable compensation, in addition to the allowances provided herein, or any allowance now fixed by law, or by regulations now or hereafter established in accordance with section 1752 of the Revised Statutes of the United States [22 U. S. C. 132], may be paid from general appropriations for the relief and protection of American seaman, when authorized by the Secretary of State, in the following

cases:

First. If any such destitute seaman is so disabled or ill as to be unable to perform duty, the consular officer shall so certify in the certificate of transportation, and such additional compensation shall be paid as the Secretary of State shall deem equitable and proper.

Second. Whenever distressed or destitute seamen of the United States are transported from foreign ports where there is no consular officer of the United States, or from points on the high seas, to ports of the United States, or from such foreign ports or points on the high seas to a port accessible to a consular officer of the United States who is authorized to assume responsibility on behalf of the Government of the United States for the further relief and repatriation of such seamen, there shall be allowed to the master or owner of each vessel in which they are transported such reasonable compensation as shall be deemed equitable by the Secretary of State. (June 26, 1884, sec. 9; June 19, 1886, sec. 18; June 10, 1921, sec. 313; May 7, 1930.)

RATE FOR TRANSPORTATION OF DESTITUTE SEAMEN TO U. S.

Jan. 3, 1923 (46 U. S. C. 680). Relief, protection, and burial of American seamen in foreign countries, in the Panama Canal Zone, and in the Philippine Islands, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, Puerto Rico: Provided, That hereafter the amount agreed upon between the consular officer and the master of the vessel in each individual case not in

excess of the lowest passenger rate of such vessel and not in excess of 2 cents per mile, together with such additional compensation for transporting sick or disabled seamen as is now provided by law, shall in each case constitute the lawful rate for transportation on steam vessels. (Feb. 23, 1931.)

Duty of Consular Officer as to Insubordination.

R. S. 4600 (46 U. S. C. 703). It shall be the duty of all consular officers to discountenance insubordination by every means in their power and, where the local authorities can be usefully employed for that purpose, to lend their aid and use their exertions to that end in the most effectual manner. In all cases where seamen or officers are accused, the consular officer shall inquire into the facts and proceed as provided in section 4583 of the Revised Statutes [46 U. S. C. 685]; and the officer discharging such seaman shall enter upon the crew list and shipping articles and official log the cause of such discharge and the particulars in which the cruel or unusual treatment consisted and subscribe his name thereto officially. He shall read the entry made in the official log to the master, and his reply thereto, if any, shall likewise be entered and subscribed in the same manner. (June 26, 1884, sec. 6; Dec. 21, 1898, sec. 21; Mar. 4, 1915, sec. 8.)

Repeal of Treaties and Conventions.

R. S. 4081. In the judgment of Congress articles in treaties and conventions of the United States, in so far as they provide for the arrest and imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of the United States in foreign countries, and for the arrest and imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of foreign nations in the United States and the Territories and possessions thereof, and for the cooperation, aid, and protection of competent legal authorities in effecting such arrest or imprisonment and any other treaty provision in conflict with the provisions of this Act, ought to be terminated, and to this end the President be, and he is hereby, requested and directed, within ninety days after the passage of this Act, to give notice to the several Governments, respectively, that so much as hereinbefore described of all such treaties and conventions between the United States and foreign Governments will terminate on the expiration of such periods after notices have been given as may be required in such treaties and conventions.

Upon the expiration after notice of the periods required, respectively, by said treaties and conventions and of one year in the case of the independent State of the Kongo, so much as hereinbefore described in each and every one of said articles shall be deemed and held to have expired and to be of no force and effect, and thereupon section 5280 and so much of section 4081 of the Revised Statutes as relates to the arrest or imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of foreign nations in the United States and Territories and possessions thereof, and for the cooperation, aid, and protection of competent legal authorities in effecting such arrest or imprisonment, shall be, and is hereby, repealed. (Mar. 4, 1915, secs. 16, 17. See Act Dec. 21, 1898, c. 28, sec. 19; also Act. Mar. 4, 1915, sec. 7.)

# Arbitration Before Shipping Commissioner.

R. S. 4554 (46 U. S. C. 651). Every shipping commissioner shall hear and decide any question whatsoever between a master, consignee, agent, or owner, and any of his crew, which both parties agree in writing to submit to him; and every award so made by him shall be binding on both parties, and shall, in any legal proceedings which may be taken in the matter, before any court of justice, be deemed to be conclusive as to the rights of parties. And any document under the hand and official seal of a commissioner purporting to be such submission or award, shall be prima facie evidence thereof.

# Examination of Witnesses, Log Books, etc., by Shipping Commissioner

**R.** S. 4555 (46 U. S. C. 652). In any proceeding relating to the wages, claims, or discharge of a seaman, carried on before any shipping commissioner, under the provisions of this Title [R. S. 4501-4612], such shipping commissioner may call upon the owner, or his agent, or upon the master, or any mate, or any other member of the crew, to produce any log books, papers, or other documents in their possession or power, respectively, relating to any matter in question in such proceedings, and may call before him and examine any of such persons, being then at or near the place, on any such matter; and every owner, agent, master, mate, or other member of the crew who, when called upon by the shipping commissioner, does not produce any such books, papers, or documents, if in his possession or power, or does not appear and give evidence, shall, unless he shows some reasonable cause for such default, be liable to a penalty of not more than \$100 for each offense; and, on application made by the shipping commissioner, shall be further punished, in the discretion of the court, as in other cases of contempt of the process of the court.

# Soliciting Seamen as Lodgers.

R. S. 4607 (46 U. S. C. 709). If, within twenty-four hours after the arrival of any vessel at any port in the United States, any person, then being on board such vessel, solicits any seaman to become a lodger at the house of any person letting lodgings for hire, or takes out of such vessel any effects of any seaman, except under his personal direction, and with the permission of the master, he shall, for every such offense, be punishable by a fine of not more than \$50, or by imprisonment for not more than three months. This section shall apply to vessels of the United States engaged in the foreign trade and to foreign vessels. (Apr. 13, 1904.)

# Log Book Entries.

R. S. 4290 (46 U. S. C. 201). Every vessel making voyages from a port in the United States to any foreign port, or, being of the burden of seventy-five tons or upward, from a port on the Atlantic to a port on the Pacific, or vice versa, shall have an official log book; and every master of such vessel shall make, or cause to be made therein, entries of the following matters, that is to say:

First. Every legal conviction of any member of his crew, and the

punishment inflicted.

Second. Every offense committed by any member of his crew for which it is intended to prosecute, or to enforce a forfeiture, together with such statement concerning the reading over such entry, and concerning the reply, if any, made to the charge, as is required by the provisions of section 4597. [46 U. S. C. 702.]

Third. Every offense for which punishment is inflicted on board,

and the punishment inflicted.

Fourth. A statement of the conduct, character, and qualifications of each of his crew; or a statement that he declines to give an opinion of such particulars.

Fifth. Every case of illness or injury happening to any member

of the crew, with the nature thereof, and the medical treatment.

Sixth. Every case of death happening on board, with the cause thereof.

Seventh. Every birth happening on board, with the sex of the infant, and the names of the parents.

Eighth. Every marriage taking place on board, with the names

and ages of the parties.

Ninth. The name of every seaman or apprentice who ceases to be a member of the crew otherwise than by death, with the place, time, manner, and cause thereof.

Tenth. The wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made

therefrom.

Eleventh. The sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article

sold, and the sum received for it.

Twelfth. In every case of collision in which it is practicable so to do, the master shall, immediately after the occurrence, cause a statement thereof, and of the circumstances under which the same occurred to be entered in the official log book. Such entry shall be made in the manner prescribed in section 4291 [46 U. S. C. 202], and failure to make such entry shall subject the offender to the penalties prescribed by section 4292 [46 U. S. C. 203]. (Feb. 14, 1900, sec. 1.)

#### Mode of Making Entries.

R. S. 4291 (46 U. S. C. 202). Every entry hereby required to be made in the official log book shall be signed by the master and by the mate, or some other one of the crew, and every entry in the official log book shall be made as soon as possible after the occurrence to which it relates, and, if not made on the same day as the occurrence to which it relates, shall be made and dated so as to show the date of the occurrence, and of the entry respecting it; and in no case shall any entry therein, in respect of any occurrence happening previously to the arrival of the vessel at her final port, be made more than twenty-four hours after such arrival.

## PENALTY FOR OMITTING ENTRIES.

R. S. 4292 (46 U. S. C. 203). If in any case the official log book is not kept in the manner hereby required, or if any entry hereby directed to be made in any such log book is not made at the time

and in the manner hereby directed, the master shall, for each such offense, be liable to a penalty of not more than \$25; and every person who makes, or procures to be made, or assists in making, any entry in any official log book in respect of any occurrence happening previously to the arrival of the vessel at her final port of discharge, more than twenty-four hours after such arrival, shall, for each offense, be liable to a penalty of not more than \$150. (See Acts Feb. 14, 1900, sec. 1, p. 222; Mar. 2, 1929, sec. 6, p. 35; and International Convention Safety of Life at Sea, 1929, p. 89.)

# Advances and Allotments of Wages.

June 26, 1884, sec. 10 (46 U. S. C. 599). (a) It shall be, and is hereby, made unlawful in any case to pay any seaman wages in advance of the time when he has actually earned the same, or to pay such advance wages, or to make any order, or note, or other evidence of indebtedness therefor to any other person, or to pay any person, for the shipment of seamen when payment is deducted or to be deducted from a seaman's wages. Any person violating any of the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$25 nor more than \$100, and may also be imprisoned for a period of not exceeding six months, at the discretion of the court. The payment of such advance wages or allotment, whether made within or without the United States or territory subject to the jurisdiction thereof, shall in no case except as herein provided absolve the vessel or the master or the owner thereof from the full payment of wages after the same shall have been actually earned, and shall be no defense to a libel suit or action for the recovery of such wages. If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment, as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment, he shall for every such offense be deemed guilty of a misdemeanor and shall be imprisoned not more than six months or fined not more than \$500.

(b) It shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages he may earn to his grandparents, parents, wife, sister, or children, or for deposits to be made in an account opened by him and maintained in his name either at a savings bank or a United States postal savings depository

subject to the governing regulations thereof.

(c) No allotment shall be valid unless in writing and signed by and approved by the shipping commissioner. It shall be the duty of the said commissioner to examine such allotments and the parties to them and enforce compliance with the law. All stipulations for the allotment of any part of the wages of a seaman during his absence which are made at the commencement of the voyage shall be inserted in the agreement and shall state the amounts and times of the payments to be made and the persons to whom the payments are to be made, or by directing the payments to be made to a savings bank or a United States postal savings depository in an account maintained in his name.

(d) No allotment except as provided for in this section shall be legal. Any person who shall falsely claim to be such relation, as

above described, or to be a savings bank or a United States postal savings depository and as such an allottee of the seaman under this section shall for every such offense be punished by a fine not exceeding \$500 or imprisonment not exceeding six months, at the discretion of the court.

(e) This section shall apply as well to foreign vessels while in waters of the United States, as to vessels of the United States, and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be

for similar violation.

The master, owner, consignee, or agent of any vessel of the United States, or of any foreign vessel seeking clearance from a port of the United States, shall present his shipping articles at the office of clearance, and no clearance shall be granted any such vessel unless

the provisions of this section have been complied with.

(f) Under the direction of the Secretary of Commerce the Director of the Bureau of Marine Inspection and Navigation shall make regulations to carry out this section. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, sec. 26—but this section shall apply to all vessels engaged in the taking of oysters—June 28, 1906, sec. 4.] (June 19, 1886, sec. 3; Dec. 21, 1898, sec. 24; Apr. 26, 1904, sec. 1; Mar. 4, 1915, sec. 11; June 5, 1920, sec. 32; June 30, 1932, sec. 501; May 27, 1936, sec. 1; May 31, 1939.)

Wages and Clothing Exempt from Attachment; Support of Seaman's Family.

Mar. 4, 1915, sec. 12 (46 U. S. C. 601). No wages due or accruing to any seaman or apprentice shall be subject to attachment or arrestment from any court, and every payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of wages or of any attachment, encumbrance, or arrestment thereon; and no assignment or sale of wages or of salvage made prior to the accruing thereof shall bind the party making the same, except such allotments as are authorized by this title. This section shall apply to fishermen employed on fishing vessels as well as to seamen: Provided, That nothing contained in this or any preceding section shall interfere with the order by any court regarding the payment by any seaman of any part of his wages for the support and maintenance of his wife and minor children.

FEB. 18, 1895 (46 U. S. C. 563). The clothing of any seaman shall be exempt from attachment, and any person who shall detain such clothing when demanded by the owner shall be deemed guilty of a misdemeanor, and shall be imprisoned not more than six months

or fined not more than \$500, or both. (Apr. 11, 1904.)

Limit of Sum Recoverable During Voyage.

R. S. 4537 (46 U. S. C. 602). No sum exceeding \$1 shall be recoverable from any seaman, by any one person, for any debt contracted during the time such seaman shall actually belong to any vessel, until the voyage for which such seaman engaged shall be ended.

#### Offenses and Punishments.

# Various Offenses; Penalties

R. S. 4596 (46 U. S. C. 701). Whenever any seaman who has been lawfully engaged or any apprentice to the sea service commits any of the following offenses, he shall be punished as follows:

First. For desertion, by forfeiture of all or any part of the clothes or effects he leaves on board and of all or any part of the wages or

emoluments which he has then earned.

Second. For neglecting or refusing without reasonable cause to join his vessel or to proceed to sea in his vessel, or for absence without leave at any time within twenty-four hours of the vessel's sailing from any port, either at the commencement or during the progress of the voyage, or for absence at any time without leave and without sufficient reason from his vessel and from his duty, not amounting to desertion, by forfeiture from his wages of not more than two days' pay or sufficient to defray any expenses which shall have been properly incurred in hiring a substitute.

Third. For quitting the vessel without leave, after her arrival at the port of her delivery and before she is placed in security, by for-

feiture from his wages of not more than one month's pay.

Fourth. For willful disobedience to any lawful command at sea, by being, at the option of the master, placed in irons until such disobedience shall cease, and upon arrival in port by forfeiture from his wages of not more than four days' pay, or, at the discretion of the

court, by imprisonment for not more than one month.

Fifth. For continued willful disobedience to lawful command or continued willful neglect of duty at sea, by being, at the option of the master, placed in irons, on bread and water, with full rations every fifth day, until such disobedience shall cease, and upon arrival in port by forfeiture, for every twenty-four hours' continuance of such disobedience or neglect, of a sum of not more than twelve days' pay, or by imprisonment for not more than three months, at the discretion of the court.

Sixth. For assaulting any master, mate, pilot, engineer, or staff

officer, by imprisonment for not more than two years.

Seventh. For willfully damaging the vessel, or embezzling or willfully damaging any of the stores or cargo, by forfeiture out of his wages of a sum equal in amount to the loss thereby sustained, and also, at the discretion of the court, by imprisonment for not more

than twelve months.

Eighth. For any act of smuggling for which he is convicted and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay such master or owner such a sum as is sufficient to reimburse the master or owner for such a loss or damage, and the whole or any part of his wages may be retained in satisfaction or on account of such liability, and he shall be liable to imprisonment for a period of not more than twelve months. (Dec. 21, 1898, sec. 19; Mar. 4, 1915, sec. 7; Aug. 1, 1939, sec. 6.)—See R. S. 4081, p. 229.

## ENTRY OF OFFENSES IN LOG BOOK

R. S. 4597 (46 U. S. C. 702). Upon the commission of any of the offenses enumerated in the preceding section an entry thereof

shall be made in the official log book on the day on which the offense was committed, and shall be signed by the master and by the mate or one of the crew; and the offender, if still in the vessel, shall, before her next arrival at any port, or, if she is at the time in port, before her departure therefrom, be furnished with a copy of such entry and have the same read over distinctly and audibly to him, and may therenpon make such a reply thereto as he thinks fit; and a statement that a copy of the entry has been so furnished, or the same has been so read over, together with his reply, if any, made by the offender, shall likewise be entered and signed in the same manner. In any subsequent legal proceedings the entries hereinbefore required shall, if practicable, be produced, or proved, and in default of such production or proof the court hearing the case may, at its discretion, refuse to receive evidence of the offense. (Dec. 21, 1898, sec. 20.)

## DISPOSAL OF FORFEITURES

R. S. 4604 (46 U. S. C. 706). All clothes, effects, and wages which, under the provisions of this Title [R. S. 4501-4612], are forfeited for desertion, shall be applied, in the first instance, in payment of the expenses occasioned by such desertion, to the master or owner of the vessel from which the desertion has taken place, and the balance, if any, shall be paid by the master or owner to any shipping commissioner resident at the port at which the voyage of such vessel terminates; and the shipping commissioner shall account for and pay over such balance to the judge of the district court within one month after the commissioner receives the same, to be disposed of by him in the same manner as is prescribed for the disposal of the money, effects, and wages of deceased seamen. Whenever any master or owner neglects or refuses to pay over to the shipping commissioner such balance, he shall be liable to a penalty of double the amount thereof, recoverable by the commissioner in the same manner that seamen's wages are recovered. In all other cases of forfeiture of wages the forfeiture shall be for the benefit of the master or owner by whom the wages are payable.

# Drunkenness or Neglect of Duty

R. S. 4602 (46 U. S. C. 704). Any master of, or any seaman or apprentice belonging to, any merchant vessel, who, by willful breach of duty, or by reason of drunkenness, does any act tending to the immediate loss or destruction of, or serious damage to such vessel, or tending immediately to endanger the life or limb of any person belonging to or on board of such vessel; or who, by willful breach of duty, or by neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such vessel from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from immediate danger to life or limb, shall, for every such offense, be deemed guilty of a misdemeanor, punishable by imprisonment for not more than twelve months.

### WEARING OF SHEATH KNIVES

R. S. 4608 (46 U. S. C. 710). No seaman in the merchant service shall wear any sheath knife on shipboard. It shall be the duty of the master of any vessel registered, enrolled, or licensed under the laws of the United States, and of the person entering into contract for the employment of a seaman upon any such vessel, to inform every person offering to ship himself of the provisions of this section, and to require his compliance therewith, under a penalty of \$50 for each omission, to be sued for and recovered in the name of the United States, under the direction of the Secretary of Commerce; one half for the benefit of the informer, and the other half for the benefit of the fund for the relief of sick and disabled seamen. (Feb. 14, 1903, sec. 10; Mar. 4, 1913, sec. 1.)

## CORPORAL PUNISHMENT PROHIBITED

R. S. 4611 (46 U. S. C. 712). Flogging and all other forms of corporal punishment are hereby prohibited on board of any vessel, and no form of corporal punishment on board of any vessel shall be deemed justifiable, and any master or other officer thereof who shall violate the aforesaid provisions of this section, or either thereof, shall be deemed guilty of a misdemeanor, punishable by imprisonment for not less than three months nor more than two years. Whenever any officer other than the master of such vessel shall violate any provision of this section, it shall be the duty of such master to surrender such officer to the proper authorities as soon as practicable, provided he has actual knowledge of the misdemeanor, or complaint thereof is made within three days after reaching port. Any failure on the part of such master to use due diligence to comply herewith, which failure shall result in the escape of such officer, shall render the master or vessel or the owner of the vessel liable in damages for such flogging or corporal punishment to the person illegally punished by such officer. (Dec. 21, 1898, sec. 22; Mar. 4, 1915, sec. 9.)

## PROCEDURE FOR RECOVERY OF PENALTIES AND FORFEITURES

R. S. 4610 (46 U. S. C. 711). All penalties and forfeitures imposed by this Title [R. S. 4501-4612], for the recovery whereof no specific mode is hereinbefore provided, may be recovered, with costs, in any district court of the United States, at the suit of any district attorney of the United States, or at the suit of any person by information to any district attorney in any port of the United States, where or near to where the offense is committed or the offender is found; and if a conviction is had, and the sum imposed as a penalty by the court is not paid either immediately after the conviction, or within such period as the court at the time of the conviction appoints, it shall be lawful for the court to commit the offender to prison, there to be imprisoned for the term hereinbefore provided in case of such offense, the commitment to be terminable upon payment of the amount and costs; and all penalties and forfeitures mentioned in this Title for which no special application is provided, shall, when recovered, be paid and applied in manner following: So much

as the court shall determine, and the residue shall be paid to the court and be remitted from time to time, by order of the judge, to the Treasury of the United States, and appropriated as provided for in section 4545 [46 U. S. C. 628]: Provided always, That it shall be lawful for the court before which any proceeding shall be instituted for the recovery of any pecuniary penalty imposed by this Act, to mitigate or reduce such penalty as to such court shall appear just and reasonable; but no such penalty shall be reduced to less than one-third of its original amount: Provided also, That all proceedings so to be instituted shall be commenced within two years next after the commission of the offense, if the same shall have been committed at or beyond the Cape of Good Hope or Cape Horn, or within one year if committed elsewhere, or within two months after the return of the offender and the complaining party to the United States; and there shall be no appeal from any decision of any of the district courts, unless the amount sued for exceeds the sum of \$500. (Mar. 3, 1911.)

Jurisdiction Over American Seamen in Foreign Ports and Foreign Seamen in American Ports.

R. S. 4079 (22 U. S. C. 256). Whenever it is stipulated by treaty or convention between the United States and any foreign nation that the consul general, consuls, vice consuls, or consular or commercial agents of each nation, shall have exclusive jurisdiction of controversies, difficulties, or disorders arising at sea or in the waters or ports of the other nation, between the master or officers and any of the crew, or between any of the crew themselves, of any vessel belonging to the nation represented by such consular officer, such stipulations shall be executed and enforced within the jurisdiction of the United States as hereinafter declared. But before this section shall take effect as to the vessels of any particular nation having such treaty with the United States, the President shall be satisfied that similar provisions have been made for the execution of such treaty by the other contracting party, and shall issue his proclamation to that effect, declaring this section to be in force as to such nation.

Arrest of Seamen; Procedure Generally.

R. S. 4080 (22 U. S. C. 257). In all cases within the purview of the preceding section the consul general, consul, or other consular or commercial authority of such foreign nation charged with the appropriate duty in the particular case, may make application to any court of record of the United States, or to any judge thereof, or to any commissioner of a district court, setting forth that such controversy, difficulty, or disorder has arisen, briefly stating the nature thereof, and when and where the same occurred, and exhibiting a certified copy or extract of the shipping-articles, roll, or other proper paper of the vessel, to the effect that the person in question is of the crew or ship's company of such vessel; and further stating and certifying that such person has withdrawn himself, or is believed to be about to withdraw himself, from the control and discipline of the master and officers of the vessel, or that he has refused, or is about to refuse, to submit to and obey the lawful jurisdiction of such consular or commercial authority in the premises; and further stating and certifying that, to the best of the knowledge and belief of the officer certifying, such

person is not a citizen of the United States. Such application shall be in writing and duly authenticated by the consular or other sufficient official seal. Thereupon such court, judge, or commissioner shall issue his warrant for the arrest of the person so complained of, directed to the marshal of the United States for the appropriate district, or in his discretion to any person, being a citizen of the United States, whom he may specially depute for the purpose, requiring such person to be brought before him for examination at a certain time and place.

## Commitment and Discharge.

R. S. 4081 (22 U. S. C. 258). If, on such examination, it is made to appear that the person so arrested is a citizen of the United States, he shall be forthwith discharged from arrest and shall be left to the ordinary course of law. But if this is not made to appear, and such court, judge, or commissioner finds, upon the papers hereinbefore referred to, a sufficient prima facie case that the matter concerns only the internal order and discipline of such foreign vessels, or, whether in its nature civil or criminal, does not affect directly the execution of the laws of the United States, or the rights and duties of any citizen of the United States, he shall forthwith, by his warrant, commit such person to prison, where prisoners under sentence of a court of the United States may be lawfully committed, or, in his discretion, to the master or chief officer of such foreign vessel, to be subject to the lawful orders, control, and discipline of such master or chief officer, and to the jurisdiction of the consular or commercial authority of the nation to which such vessel belongs, to the exclusion of any authority or jurisdiction in the premises of the United States or any State thereof. No person shall be detained more than two months after his arrest, but at the end of that time shall be set at liberty and shall not again be arrested for the same cause. The expenses of the arrest and the detention of the person so arrested shall be paid by the consular officers making the application. (Mar. 4, 1915, secs. 16, 17.)

# Enforcement of Awards of Foreign Consuls.

R. S. 728 (28 U. S. C. 393). The district courts, and the United States commissioners, shall have power to carry into effect, according to the true intent and meaning thereof, the award, or arbitration, or decree of any consul, vice consul, or commercial agent of any foreign nation, made or rendered by virtue of authority conferred on him as such consul, vice consul, or commercial agent, to sit as judge or arbitrator in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to his charge, application for the exercise of such power being first made to such court or commissioner by petition of such consul, vice consul, or commercial agent. And said courts and commissioners may issue all proper remedial process, mesne and final, to carry into full effect such award, arbitration, or decree, and to enforce obedience thereto, by imprisonment in the jail or other place of confinement in the district in which the United States may lawfully imprison any person arrested under the authority of the United States, until such award, arbitration, or decree is complied with, or the parties are otherwise discharged therefrom, by the consent in writing of such consul, vice consul, or commercial agent, or his successor in office, or by the authority of the foreign

government appointing such consul, vice consul, or commercial agent: Provided, however, That the expenses of the said imprisonment, and maintenance of the prisoners, and the cost of the proceedings, shall be borne by such foreign government, or by its consul, vice consul, or commercial agent requiring such imprisonment. The marshals of the United States shall serve all such process, and do all other acts necessary and proper to carry into effect the premises, under the authority of the said courts and commissioners. (Mar. 3, 1911, sec. 271.)

#### Seamen's Witness Fees.

R. S. 851 (28 U. S. C. 605). There shall be paid to each seaman or other person who is sent to the United States from any foreign port, station, sea, or ocean, by any United States minister, charge d' affaires, consul, captain, or commander, to give testimony in any criminal case depending in any court of the United States, such compensation, exclusive of subsistence and transportation, as such court may adjudge to be proper, not exceeding one dollar for each day necessarily employed in such voyage, and in arriving at the place of examination or trial. In fixing such compensation, the court shall take into consideration the condition of said seaman or witness, and whether his voyage has been broken up, to his injury, by his being sent to the United States. When such seaman or person is transported in an armed vessel of the United States no charge for subsistence or transportation shall be allowed. When he is transported in any other vessel, the compensation for his transportation and subsistence, not exceeding in any case fifty cents a day, may be fixed by the court, and shall be paid to the captain of said vessel accordingly.

# Recovery for Injury to or Death of Seaman.

Mar. 4, 1915, sec. 20 (46 U. S. C. 688). Any seaman who shall suffer personal injury in the course of his employment may, at his election, maintain an action for damages at law, with the right of trial by jury, and in such action all statutes of the United States modifying or extending the common-law right or remedy in cases of personal injury to railway employees shall apply; and in case of the death of any seaman as a result of any such personal injury the personal representative of such seaman may maintain an action for damages at law with the right of trial by jury, and in such action all statutes of the United States conferring or regulating the right of action for death in the case of railway employees shall be applicable. Jurisdiction in such actions shall be under the court of the district in which the defendant employer resides or in which his principal office is located. (June 5, 1920, sec. 33.)

#### Merchant Seamen at Panama Canal Zone.

Aug. 21, 1916, sec. 9 (48 U. S. C. 1331). The laws relating to seamen of vessels of the United States on foreign voyages shall apply to seamen of all vessels of the United States at the Panama Canal Zone, whether such vessels be registered or enrolled and licensed, and the powers in respect of such seamen of such vessels bestowed by law upon consular officers of the United States in foreign ports and upon shipping commissioners in ports of the

United States are hereby bestowed upon the shipping commissioner and deputy shipping commissioners on the Panama Canal Zone. (Aug. 21, 1916, sec. 9.)

Inspection of Seaworthiness at Domestic Ports.

R. S. 4556 (46 U. S. C. 653). If the first and second officers under the master or a majority of the crew of any vessel bound on any voyage shall, before the vessel shall have left the harbor, discover that the vessel is too leaky or is otherwise unfit in her erew, body, tackle, apparel, furniture, provisions, or stores to proceed on the intended voyage, and shall require such unfitness to be inquired into, the master shall, upon the request of the first and second officers under the master or such majority of the crew, forthwith apply to the judge of the district court of that judicial district, if he shall there reside, or if not, to some justice of the peace of the city, town, or place for the appointment of surveyors, as in section 4557 [46 U. S. C. 654] provided, taking with him two or more of the crew who shall have made such request; and any master refusing or neglecting to comply with these provisions shall be liable to a penalty of \$500. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, sec. 26.] (Dec. 21, 1898, sec. 7.)

Proceedings on Examination of Vessel.

R. S. 4557 (46 U. S. C. 654). The judge, or justice, in a domestic port, shall, upon such application of the master or commander, issue his precept, directed to three persons in the neighborhood, the most experienced and skillful in maritime affairs that can be procured; and whenever such complaint is about the provisions one of such surveyors shall be a physician or a surgeon of the Public Health Service, if such service is established at the place where the complaint is made. It shall be the duty of such surveyors to repair on board such vessel and to examine the same in respect to the defects and insufficiencies complained of, and make reports to the judge, or justice, as the case may be, in writing, under their hands or the hands of two of them, whether in any or in what respect the vessel is unfit to proceed on the intended voyage, and what addition of men, provisions, or stores, or what repairs or alterations in the body, tackle, or apparel will be necessary: and upon such report the judge or justice shall adjudge and shall indorse on his report his judgment whether the vessel is fit to proceed on the intended voyage, and, if not, whether such repairs can be made or deficiencies supplied where the vessel then lies, or whether it is necessary for her to proceed to the nearest or most convenient place where such supplies can be made or deficiencies supplied; and the master and the crew shall, in all things conform to the judgment. The master or commander shall, in the first instance, pay all the costs of such review, report, or judgment, to be taxed and allowed on a fair copy thereof, certified by the judge or justice. But if the complaint of the crew shall appear upon the report and judgment to have been without foundation, the master or commander, or the owner or consignee of such vessel, shall deduct the amount thereof, and of reasonable damages for the detention, to be ascertained by the judge or justice, out of the wages of the complaining seamen. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, sec. 26.] (Dec. 21, 1898, sec. 8; July 1, 1902; Aug. 14, 1912.)

Unseaworthy Vessels.

R. S. 4561 (46 U. S. C. 658). If any person knowingly sends or attempts to send or is party to the sending or attempting to send an American ship to sea, in the foreign or coastwise trade, in such an unseaworthy state that the life of any person is likely to be thereby endangered, he shall, in respect of each offense be guilty of a misdemeanor, and shall be punished by a fine not to exceed \$1,000 or by imprisonment not to exceed five years, or both, at the discretion of the court, unless he proves that either he used all reasonable means to insure her being sent to sea in a seaworthy state, or that her going to sea in an unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purposes of giving that proof he may give evidence in the same manner as any other witness. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, sec. 26.] (June 26, 1884, sec. 4; Dec. 21, 1898, sec. 11.)

Refusal To Proceed When Vessel Found Seaworthy.

R. S. 4558 (46 U. S. C. 655). If, after judgment that such vessel is fit to proceed on her intended voyage, or after procuring such men, provisions, stores, repairs, or alterations as may be directed, the seamen, or either of them, shall refuse to proceed on the voyage, he shall forfeit any wages that may be due him. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, sec. 26.] (Dec. 21, 1898, sec. 9.)

Inspection of Seaworthiness at Foreign Ports.

R. S. 4559 (46 U. S. C. 656). Upon a complaint in writing, signed by the first and second officers or a majority of the crew of any vessel, while in a foreign port, that such vessel is in an unsuitable condition to go to sea because she is leaky or insufficiently supplied with sails, rigging, anchors, or any other equipment, or that the crew is insufficient to man her, or that her provisions, stores, and supplies are not or have not been during the voyage sufficient or wholesome, thereupon, in any of these or like cases the consul shall cause to be appointed three persons of like qualifications with those described in section 4557 [46 U. S. C. 654], who shall proceed to examine into the cause of complaint and who shall proceed and be governed in all their proceedings as provided by said section. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 12, 1898, sec. 26.] (Dec. 21, 1898, sec. 10; Mar. 4, 1915, sec. 5.)

### REPORT OF INSPECTORS

R. S. 4560 (46 U. S. C. 657). The inspectors appointed by any consul, in pursuance of the preceding section, shall have full power to examine the vessel and whatever is aboard of her, so far as is pertinent to their inquiry, and also to hear and receive any other proofs which the ends of justice may require; and if, upon a view of the whole proceedings, the consul is satisfied therewith, he may approve the whole or any part of the report, and shall certify such approval; or if he dissents, he shall certify his reasons for dissenting. (Apr. 5, 1906, sec. 3.)

## DISCHARGE OF CREW ON ACCOUNT OF UNSEAWORTHINESS

R. S. 4561 (46 U. S. C. 658). The inspectors in their report shall also state whether in their opinion the vessel was sent to sea unsuitably provided in any important or essential particular, by neglect or design, or through mistake or accident; and in case it was by neglect or design, and the consular officer approves of such finding, he shall discharge such of the crew as request it, and shall require the payment by the master of one month's wages for each seaman over and above the wages then due, or sufficient money for the return of such of the crew as desire to be discharged to the nearest and most convenient port of the United States, or by furnishing the seamen who so desire to be discharged with employment on a ship agreed to by them. But if in the opinion of the inspectors the defects or deficiencies found to exist have been the result of mistake or accident, and could not, in the exercise of ordinary care, have been known and provided against before the sailing of the vessel, and the master shall in a reasonable time remove or remedy the causes of complaint, then the crew shall remain and discharge their duty. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, sec. 26.] (June 26, 1884, sec. 4; Dec. 21, 1898, sec. 11.)

### PAYMENT OF INSPECTION CHARGES

R. S. 4562 (46 U. S. C. 659). The master shall pay all such reasonable charges for inspection under such complaint as shall be officially certified to him under the hand of the consul; but in case the inspectors report that the complaint is without any good and sufficient cause, the master may retain from the wages of the complainants, in proportion to the pay of each, the amount of such charges, with such reasonable damages for detention on that account as the consul directing the inquiry may officially certify. (Apr. 5, 1906, sec. 3.)

# PENALTY FOR REFUSAL TO PAY WAGES OR INSPECTION CHARGES

R. S. 4563 (46 U. S. C. 660). Every master who refuses to pay such wages and charges shall be liable to each person injured thereby in damages, to be recovered in any court of the United States in the district where such delinquent may reside or be found, and in addition thereto be punishable by a fine of \$100 for each offense.

### Provisions and Water.

R. S. 4564 (46 U. S. C. 661). Should any master or owner of any merchant vessel of the United States neglect to provide a sufficient quantity of stores to last for a voyage of ordinary duration to the port of destination, and in consequence of such neglect the crew are compelled to accept a reduced scale, such master or owner shall be liable to a penalty as provided in section 4568 [46 U. S. C. 665] of the Revised Statutes. (Dec. 21, 1898, sec. 12.)

### COMPLAINT AS TO EXAMINATION

R. S. 4565 (46 U. S. C. 662). Any three or more of the crew of any merchant vessel of the United States bound from a port in the United States to any foreign port, or being of the burden of seventy-

five tons or upward, and bound from a port on the Atlantic to a port on the Pacific, or vice versa, may complain to any officer in command of any of the vessels of the United States Navy, or consular officer of the United States, or shipping commissioner or chief officer of the customs, that the provisions or water for the use of the crew are, at any time, of bad quality, unfit for use, or deficient in quantity. Such officer shall thereupon examine the provisions or water, or cause them to be examined; and if, on examination, such provisions or water are found to be of bad quality and unfit for use, or to be deficient in quantity, the person making such examination shall certify the same in writing to the master of the ship. If such master does not thereupon provide other proper provisions or water where the same can be had, in lieu of any so certified to be of a bad quality and unfit for use, or does not procure the requisite quantity of any so certified to be insufficient in quantity, or uses any provisions or water which have been so certified as aforesaid to be of bad quality and unfit for use, he shall, in every such case, be liable to a penalty of not more than one hundred dollars; and upon every such examination the officers making or directing the same shall enter a statement of the result of the examination in the log book, and shall send a report thereof to the district judge for the judicial district embracing the port to which such vessel is bound; and such report shall be received in evidence in any legal proceedings.

## FORFEITURE FOR FALSE COMPLAINT

R. S. 4566 (46 U. S. C. 663). If the officer to whom any such complaint in regard to the provisions or the water is made certifies in such statement that there was no reasonable ground for such complaint, each of the parties of complaining shall forfeit to the master or owner his share of the expense, if any, of the survey. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, sec. 26.] (Dec. 21, 1898, sec. 13.)

Master Must Permit Seamen Shore Leave; Penalty for Failure.

R. S. 4567 (46 U. S. C. 664). If any seamen, while on board any vessel, shall state to the master that they desire to make complaint, in accordance with the two preceding sections, in regard to the provisions or the water, to a competent officer, against the master, the master shall, if the vessel is then at a place where there is any such officer, so soon as the service of the vessel will permit, and if the vessel is not then at such a place, so soon after her first arrival at such place as the service of the vessel will permit, allow such seamen, or any of them, to go ashore, or shall send them ashore, in proper custody, so that they may be enabled to make such complaint; and shall, in default, be liable to a penalty of not more than \$100.

Allowance for Reduction of Provisions.

R. S. 4568 (46 U. S. C. 665). If, during a voyage, the allowance of any of the provisions which any seaman is entitled to under section 4612 of the Revised Statutes [46 U. S. C. 713] is reduced except for any time during which such seaman willfully and without sufficient cause refuses or neglects to perform his duty, or is lawfully under confinement for misconduct either on board or on shore; or

if it shall be shown that any of such provisions are, or have been during the voyage, bad in quality or unfit for use, the seaman shall receive, by way of compensation for such reduction or bad quality, according to the time of its continuance, the following sums, to be paid to him in addition to and to be recoverable as wages:

First. If his allowance is reduced by any quantity not exceeding one-third of the quantity specified by law, a sum not exceeding 50

cents a day.

Second. If his allowance is reduced by more than one-third of

such quantity, a sum not exceeding \$1 a day.

Third. In respect of bad quality, a sum not exceeding \$1 a day. But if it is shown to the satisfaction of the court before which the case is tried that any provisions, the allowance of which has been reduced, could not be procured or supplied in sufficient quantities, or were unavoidably injured or lost, or if by reason of its innate qualities any article become unfit for use and that proper and equivalent substitutes were supplied in lieu thereof, the court shall take such circumstances into consideration and shall modify or refuse compensation, as the justice of the case may require. [This section shall not apply to fishing or wholing vessels or yachts—Dec. 21, 1898, sec. 26.] (Dec. 21, 1898, sec. 14.)

## Weights and Measures.

R. S. 4571 (46 U. S. C. 668). Every master shall keep on board proper weights and measures for the purpose of determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out such provisions and articles, in the presence of a witness, whenever any dispute arises about such quantities, and in default shall, for every offense, be liable to a penalty of not more than \$50.

### Medicines and Antiscorbutics.

R. S. 4569 (46 U.S.C. 666). Every vessel belonging to a citizen of the United States, bound from a port in the United States to any foreign port, or being of the burden of seventy-five tons or upward, and bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall be provided with a chest of medicines; and every sailing vessel bound on a voyage across the Atlantic or Pacific Ocean, or around Cape Horn, or the Cape of Good Hope, or engaged in the whale or other fisheries, or in sealing, shall also be provided with. and cause to be kept, a sufficient quantity of lime or lemon juice, and also sugar and vinegar, or other antiscorbutics, to be served out to every seaman as follows: The master of every such vessel shall serve the line or lemon juice, and sugar and vinegar, to the crew, within ten days after salt provisions mainly have been served out to the crew, and so long afterward as such consumption of salt provisions continues; the lime or lemon juice and sugar daily at the rate of half an ounce each per day; and the vinegar weekly at the rate of half a pint per week for each member of the crew.

# PENALTY FOR FAILURE TO KEEP MEDICINES

R. S. 4570 (46 U. S. C. 667). If, on any such vessel, such medicines, medical stores, lime or lemon juice, or other articles, sugar, and vinegar, as are required by the preceding section, are not provided

and kept on board, as required, the master or owner shall be liable to a penalty of not more than \$500; and if the master of any such vessel neglects to serve out the lime or lemon juice, and sugar and vinegar in the case and manner directed, he shall for each such offense be liable to a penalty of not more than \$100; and if any master is convicted in either of the offenses mentioned in this section, and it appears that the offense is owing to the act or default of the owner, such master may recover the amount of such penalty, and the costs incurred by him, from the owner.

Slop Chest.

June 26, 1884, sec. 11 (46 U.S. C. 670-671). Every vessel mentioned in section forty-five hundred and sixty-nine of the Revised Statutes shall also be provided with a slop chest, which shall contain a complement of clothing for the intended voyage for each seaman employed, including boots or shoes, hats or caps, under clothing and outer clothing, oiled clothing, and everything necessary for the wear of a seaman; also a full supply of tobacco and blankets. Any of the contents of the slop chest shall be sold, from time to time, to any or every seaman applying therefor, for his own use, at a profit not exceeding 10 per centum of the reasonable wholesale value of the same at the port at which the voyage commenced. And if any such vessel is not provided, before sailing, as herein required, the owner shall be liable to a penalty of not more than \$500. The provisions of this section shall not apply to vessels plying between the United States and the Dominion of Canada, Newfoundland, the Bermuda Islands, the Bahama Islands, the West Indies, Mexico, and Central America. This section shall not be construed to apply to vessels engaged in the whaling or fishing business—June 19, 1886, sec. 13.]

## WARMTH AND CLOTHING

R. S. 4572 (46 U.S. C. 669). Every vessel bound on any foreign voyage exceeding in length fourteen days shall also be provided with at least one suit of woolen clothing for each seaman, and every vessel in the foreign or domestic trade shall provide a safe and warm room for the use of seamen in cold weather. Failure to make such provision shall subject the owner or master to a penalty of not less than \$100. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, sec. 26.] (Dec. 21, 1898, sec. 15.)

Hospitalization of Seamen.

Mar. 3, 1919 (24 U.S. C. 26). The Secretary of the Treasury is authorized to provide immediate additional hospital and sanatorium facilities for the care and treatment of discharged sick and disabled soldiers, sailors, and marines, Army and Navy nurses (male and female), and the following persons only: Merchant marine seamen, seamen on boats of the Mississippi River Commission, officers and enlisted men of the United States Coast Guard, officers and employees of the Public Health Service, certain keepers and assistant keepers of the United States Lighthouse Service, seamen of the Engineer Corps of the United States Army, officers and enlisted men of the United States Coast and Geodetic Survey, certain civilian employees,

executive departments and Government officers and employees, and employees on Army transports, entitled by law on March 3, 1919, to treatment by the Public Health Service. (Aug. 9, 1921, sec. 7.)

## CARE OF SICK AND DISABLED SEAMEN

JULY 1, 1902, sec. 1 (42 U.S.C.6). The care of sick and disabled seamen and all other duties formerly required by law to be performed by the Marine Hospital Service shall be performed by the Public Health Service, and all funds, properties, and rights pertaining to said Marine Hospital Service shall be available for use for like purposes and in like manner by the Public Health Service. (Aug. 14, 1912, sec. 1.)

BENEFICIARIES OF FUND FOR RELIEF OF SICK AND DISABLED SEAMEN

R. S. 4803 (24 U. S. C. 26a). The "fund for the relief of sick and disabled seamen," of which separate accounts shall be kept in the Treasury, is appropriated for the expenses of the Public Health Service, and shall be employed, under the direction of the Secretary of the Treasury, for the care and relief of sick and disabled seamen employed in registered, enrolled, and licensed vessels of the United States. (June 26, 1884, sec. 15; Mar. 3, 1905, sec. 1; Aug. 14, 1912, sec. 1.)

## PRESIDENT AUTHORIZED RECEIVE DONATIONS

R. S. 4801 (24 U. S. C. 2). The President is authorized to receive donations of real or personal property, in the name of the United States, for the erection or support of hospitals for sick and disabled seamen.

# EMPLOYEES ON CANAL BOATS IN COASTING TRADE EXCLUDED

R. S. 4804 (24 U. S. C. 12). No person employed in or connected with the navigation, management, or use of canal boats engaged in the coasting trade shall by reason thereof be entitled to any benefit or relief from the marine-hospital fund.

## DEFINITION OF WORD "SEAMAN"

Mar. 3, 1875, sec. 3 (24 U.S.C. 1). The term "seaman" wherever employed in legislation relating to the Public Health Service, shall be held to include any person employed on board in the care, preservation, or navigation of any vessel, or in the service, on board, of those engaged in such care, preservation, or navigation. (Aug. 14, 1912.)

# LIABILITY OF FOREIGN VESSELS FOR HOSPITAL CHARGE

Mar. 3, 1875, sec. 6 (24 U.S.C. 11). Sick and disabled seamen of foreign vessels and of vessels [not subject to hospital dues] may be cared for by the Public Health Service at such rates and under such regulations as the Secretary of the Treasury may prescribe. (Aug. 14, 1912.)

EMPLOYEES ON CERTAIN PUBLIC VESSELS OF UNITED STATES ELIGIBLE

Mar. 21, 1936 (42 U. S. C. 6a). Hereafter seamen not enlisted or commissioned in the Military or Naval Establishments, who are not now entitled by virtue of any law to medical relief by the Public Health Service, shall, when employed on vessels of the United States Government (other than those of the Panama Canal) of more than five tons' burden and on State school ships, be entitled to medical relief by the Public Health Service in the same manner and to the same extent as seamen employed on registered, enrolled, and licensed vessels are entitled. Cadets on State school ships shall also be entitled to the same medical relief as is herein granted to seamen.

Shipowners' Liability (Sick and Injured Seamen) Convention, 1936.

## Provisions of Draft Convention No. 55

#### ARTICLE 1

1. This Convention applies to all persons employed on board any vessel, other than a ship of war, registered in a territory for which this Convention is in force and ordinarily engaged in maritime navigation.

2. Provided that any Member of the International Labour Organisation may in its national laws or regulations make such exceptions

as it deems necessary in respect of—
(a) persons employed on board,

(i) vessels of public authorities when such vessels are not engaged in trade;

(ii) coastwise fishing boats;

(iii) boats of less than twenty-five tons gross tonnage;

(iv) wooden ships of primitive build such as dhows and junks;
 (b) persons employed on board by an employer other than the shipowner;

(c) persons employed solely in ports in repairing, cleaning, load-

ing or unloading vessels;

(d) members of the shipowner's family;

(e) pilots.

### ARTICLE 2

1. The shipowner shall be liable in respect of—

(a) sickness and injury occurring between the date specified in the articles of agreement for reporting for duty and the termination of the engagement;

(b) death resulting from such siekness or injury.

2. Provided that national laws or regulations may make exceptions in respect of:

(a) injury incurred otherwise than in the service of the ship; (b) injury or sickness due to the wilful act, default, or misbehaviour of the sick, injured, or deceased person;

(c) sickness or infirmity intentionally concealed when the engage-

ment is entered into.

3. National laws or regulations may provide that the shipowner shall not be liable in respect of sickness, or death directly attributable to sickness, if at the time of the engagement the person employed refused to be medically examined.

#### ARTICLE 3

For the purpose of this Convention, medical care and maintenance at the expense of the shipowner comprises:

(a) medical treatment and the supply of proper and sufficient

medicines and therapeutical appliances; and

(b) board and lodging.

#### ARTICLE 4

1. The shipowner shall be liable to defray the expense of medical care and maintenance until the sick or injured person has been cured, or until the sickness or incapacity has been declared of a permanent character.

2. Provided that national laws or regulations may limit the liability of the shipowner to defray the expense of medical care and maintenance to a period which shall not be less than sixteen weeks from

the day of the injury or the commencement of the sickness.

3. Provided also that, if there is in force in the territory in which the vessel is registered a scheme applying to seamen of compulsory sickness insurance, compulsory accident insurance, or workmen's compensation for accidents, national laws or regulations may provide—

(a) that a shipowner shall cease to be liable in respect of a sick or injured person from the time at which that person becomes entitled to medical benefits under the insurance or compensation scheme;

(b) that the shipowner shall cease to be liable from the time prescribed by law for the grant of medical benefits under the insurance or compensation scheme to the beneficiaries of such schemes, even when the sick or injured person is not covered by the scheme in question, unless he is excluded from the scheme by reason of any restriction which affects particularly foreign workers or workers not resident in the territory in which the vessel is registered.

### ARTICLE 5

1. Where the sickness or injury results in incapacity for work the shipowner shall be liable—

(a) to pay full wages as long as the sick or injured person remains

on board;

(b) if the sick or injured person has dependents, to pay wages in whole or in part as prescribed by national laws or regulations from the time when he is landed until he has been cured or the sickness or

incapacity has been declared of a permanent character.

2. Provided that national laws or regulations may limit the liability of the shipowner to pay wages in whole or in part in respect of a person no longer on board to a period which shall not be less than sixteen weeks from the day of the injury or the commencement of the sickness.

3. Provided also that, if there is in force in the territory in which the vessel is registered a scheme applying to seamen of compulsory sickness insurance, compulsory accident insurance, or workmen's compensation for accidents, national laws or regulations may provide:

 $(\hat{a})$  that a shipowner shall cease to be liable in respect of  $\hat{a}$  sick or injured person from the time at which that person becomes entitled

to cash benefits under the insurance or compensation scheme;

(b) that the shipowner shall cease to be liable from the time prescribed by law for the grant of cash benefits under the insurance or compensation scheme to the beneficiaries of such schemes, even when the sick or injured person is not covered by the scheme in question, unless he is excluded from the scheme by reason of any restriction which affects particularly foreign workers or workers not resident in the territory in which the vessel is registered.

### ARTICLE 6

1. The shipowner shall be liable to defray the expense of repatriating every sick or injured person who is landed during the voyage in consequence of sickness or injury.

2. The port to which the sick or injured persons is to be returned

shall be-

(a) the port at which he was engaged; or

(b) the port at which the voyage commenced; or

(c) a port in his own country or the country to which he belongs; or

 $(\bar{d})$  another port agreed upon by him and the master or shipowner,

with the approval of the competent authority.

3. The expense of repatriation shall include all charges for the transportation, accommodation, and food of the sick or injured person during the journey and his maintenance up to the time fixed for this departure.

4. If the sick or injured person is capable of work, the shipowner

may discharge his liability to repatriate him by providing him with suitable employment on board a vessel proceeding to one of the destinations mentioned in paragraph 2 of this Article.

#### ARTICLE 7

1. The shipowner shall be liable to defray burial expenses in case of death occurring on board, or in case of death occurring on shore if at the time of his death the deceased person was entitled to medical

care and maintenance at the shipowners' expense.

2. National laws or regulations may provide that burial expenses paid by the shipowner shall be reimbursed by an insurance institution in cases in which funeral benefit is payable in respect of the deceased person under laws or regulations relating to social insurance or workmen's compensation.

#### ARTICLE 8

National laws or regulations shall require the shipowner or his representative to take measures for safeguarding property left on board by sick, injured, or deceased persons to whom this Convention applies.

### ARTICLE 9

National laws or regulations shall make provision for securing the rapid and inexpensive settlement of disputes concerning the liability of the shipowner under this Convention.

#### ARTICLE 10

The shipowner may be exempted from liability under Articles 4, 6, and 7 of this Convention in so far as such liability is assumed by the public authorities.

#### ARTICLE 11

This Convention and national laws or regulations relating to benefits under this Convention shall be so interpreted and enforced as to ensure equality of treatment to all seamen irrespective of nationality, domicile, or race.

#### ARTICLE 12

Nothing in this Convention shall affect any law, award, custom, or agreement between shipowners and seamen which ensures more favourable conditions than those provided by this Convention.

#### ARTICLE 13

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organization, each Member of the Organisation which ratifies this Convention shall append to its ratification a declaration stating:

(a) the territories in respect of which it undertakes to apply the

provisions of the Convention without modification;

(b) the territories in respect of which it undertakes to apply the provisions of the Convention subject to modifications, together with details of the said modifications;

(c) the territories in respect of which the Convention is inapplica-

ble and in such cases the grounds on which it is inapplicable;

(d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in sub-paragraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of

the ratification and shall have the force of ratification.

3. Any Member may by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of sub-paragraphs (b), (c), or (d) of paragraph 1 of this Article.

### ARTICLE 14

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

#### ARTICLE 15

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Secretary-

General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

#### ARTICLE 16

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

### ARTICLE 17

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which

it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

#### ARTICLE 18

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the Agenda of the Conference the question of its revision in whole or in part.

#### ARTICLE 19

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention

otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 17 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the

Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

#### ARTICLE 20

The French and English texts of this Convention shall both be authentic.

## RESERVATIONS BY THE UNITED STATES GOVERNMENT

The above convention was ratified by the United States Govern-

ment, with the following reservations:

"That the United States Government understands and construes the words 'vessels registered in a territory' appearing in this convention to include all vessels of the United States as defined under the laws of the United States.

"That the United States Government understands and construes the words 'maritime navigation' appearing in this convention to

mean navigation on the high seas only.

"That the provisions of this convention shall apply to all territory over which the United States exercises jurisdiction except the government of the Commonwealth of the Philippine Islands and the Panama Canal Zone, with respect to which this Government reserves its decision."

### RATIFICATION OF TREATY

Note.—The ratification of this treaty was deposited on October 29, 1938 and became effective on October 29, 1939. While some of the provisions of this treaty appear to be self-executing, it would seem that in order to make effective the provisions of the treaty as a whole, enabling legislation to this end must be passed. To date no such enabling legislation has been enacted.

Minimum Age (Sea) Convention (Revised), 1936.

## Provisions of Draft Convention No. 58

#### ARTICLE 1

For the purpose of this Convention, the term "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned; it excludes ships of war.

#### ARTICLE 2

1. Children under the age of fifteen years shall not be employed or work on vessels, other than vessels upon which only members of the

same family are employed.

2. Provided that national laws or regulations may provide for the issue in respect of children of not less than fourteen years of age of certificates permitting them to be employed in cases in which an educational or other appropriate authority designated by such laws or regulations is satisfied, after having due regard to the health and physical condition of the child and to the prospective as well as to the immediate benefit to the child of the employment proposed, that such employment will be beneficial to the child.

#### ARTICLE 3

The provisions of Article 2 shall not apply to work done by children on school-ships or training-ships, provided that such work is approved and supervised by public authority.

#### ARTICLE 4

In order to facilitate the enforcement of the provisions of this Convention, every shipmaster shall be required to keep a register of all persons under the age of sixteen years employed on board his vessel, or a list of them in the articles of agreement, and of the dates of their births.

### ARTICLE 5

This Convention shall not come into force until after the adoption by the International Labour Conference of a Draft Convention revising the Convention fixing the minimum age for admission of children to industrial employment, 1919, and a Draft Convention revising the Convention concerning the age for admission of children to nonindustrial employment, 1932.

#### ARTICLE 6

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

#### ARTICLE 7

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

2. Subject to the provisions of Article 5 above it shall come into force twelve months after the date on which the ratifications of two

Members have been registered with the Secretary-General.

3. Thereafter this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

#### ARTICLE 8

As soon as the ratifications of two Members of the International Labour Organisation have been registered the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

#### ARTICLE 9

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for

another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

#### ARTICLE 10

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the Agenda of the Conference the question of its revision in whole or in part.

#### ARTICLE 11

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention

otherwise provides-

(a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 9 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by

the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

#### ARTICLE 12

The French and English texts of this Convention shall both be authentic.

## RESERVATIONS BY THE UNITED STATES GOVERNMENT

The above convention was ratified by the United States Government, with the following reservations:

"That the United States Government understands and construes the words 'maritime navigation' appearing in this convention to

mean navigation on the high seas only.

"That the provisions of this convention shall apply to all territory over which the United States exercises jurisdiction except the government of the Commonwealth of the Philippine Islands and the Panama Canal Zone, with respect to which this Government reserves its decision."

### RATIFICATION OF TREATY

Note.—The ratification of this treaty was deposited on October 29, 1938 and became effective on October 29, 1939. While some of the provisions of this treaty appear to be self-executing, it would seem that, in order to make effective the provisions of the treaty as a whole, enabling legislation to this end must be passed. To date no such enabling legislation has been enacted.

## Chapter XII.—MARITIME LABOR RELATIONS

## Declaration of Policy.

June 29, 1936, sec. 1001 (46 U. S. C. 1251). It is hereby declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of water-borne commerce and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining and the prompt and orderly settlement of all disputes concerning rates of pay, hours of employment, rules, or working conditions, including disputes growing out of grievances or out of the interpretation or application of agreements covering rates of pay, hours of employment, rules, or working conditions. (June 23, 1938, sec. 45.)

### Laws Unaffected; National Labor Relations Board.

June 29, 1936, sec. 1002 (46 U. S. C. 1252). The provisions of this title shall not in any manner affect or be construed to limit the provisions of the National Labor Relations Act, nor shall any of the unfair labor practices listed therein be considered a dispute for the purposes of this title. Questions concerning the representation of employees of a maritime employer shall be considered and determined by the National Labor Relations Board in accordance with the provisions of the National Labor Relations Act: Provided, however, That nothing in this title shall constitute a repeal or otherwise affect the enforcement of any of the navigation laws of the United States or any other laws relating to seamen. (June 23, 1938, sec. 45.)

### Definitions.

June 29, 1936, sec. 1003 (46 U. S. C. 1253). When used in this title—

- (a) The term "water-borne commerce" means commerce by water between any State, the District of Columbia, or any Territory or possession of the United States and any foreign country, or commerce by water on the high seas or the Great Lakes between any State, the District of Columbia, or any Territory or possession of the United States and any other State, Territory, or possession of the United States.
- (b) The term "maritime employer" means any person not included in the term "carrier" in title I of the Railway Labor Act, approved May 20, 1926, as amended, who (1) is engaged in the transportation by water of passengers or property in water-borne commerce; (2) is engaged in towboat, barge, or lighterage service in connection with the transportation of passengers or property in water-borne commerce; (3) operates or manages or controls the operation or management of any wharf, pier, dock, or water space, for the accommodation of vessels engaged in the transportation of passengers or property in water-borne commerce; (4) is engaged in the business of loading or unloading vessels engaged in the transportation of passengers or prop-

erty in water-borne commerce; or (5) operates any equipment or facility connected with the services set forth in clauses (1), (2), (3), and (4) hereof, which is necessary for the continuity of flow of

passengers and property in such water-borne commerce.

(c) The term "employee" means any person who performs any work as an employee or subordinate official of any maritime employer, subject to its authority to supervise and direct the manner of rendition of service, when the duties assigned to or services rendered by such person directly or indirectly in any manner affect, relate to, or are concerned with the transportation of passengers or property in water-borne commerce, or the furnishing of equipment or facilities therefor, or services in connection therewith, as set forth in clauses (2), (3), (4), and (5) of subsection (b) of this section; it being intended that this title should apply not only to those persons whose work may be exclusively in connection with the movement by water of passengers and property in the interstate and foreign commerce of the United States but also to those persons whose work may have such a close relation to the movement of such interstate and foreign commerce that the provisions of this title are essential and appropriate to secure the freedom of that commerce from interference and inter-The provisions of this title shall not apply to the master or members of the crew of any vessel not documented, registered, licensed, or enrolled under the laws of the United States. (June 23, 1938, sec. 45.)

# Encouragement of Employer—Employee Agreements and Settlements.

June 29, 1936, sec. 1004 (46 U.S. C. 1254). It shall be the duty of the Board to encourage all maritime employers, their officers and agents, and their employees or the duly selected representatives of such employees to exert every reasonable effort—

(1) to make and maintain written agreements concerning rates of pay, hours of employment, rules, and working conditions, which agreements shall provide, by means of adjustment boards or port committees, for the final adjustment of disputes growing out of grievances or the application or interpretation of the terms of such agreements;

(2) to settle all disputes, whether arising out of the interpretation or application of such agreements or otherwise, in order to avoid any interruptions to transportation of passengers or property in waterborne commerce. (June 23, 1938, sec. 45.)

# Filing Copies of Labor Contracts With Board; Penalties.

June 29, 1936, sec. 1005 (46 U. S. C. 1255). Within thirty days after the date of enactment of this title, every maritime employer shall file with the Maritime Labor Board a copy of each contract with any group of its employees in effect on such date, covering rates of pay, hours of employment, rules, and working conditions. When any new contract is executed or any change is made in an existing contract with any group of its employees covering rates of pay, hours of employment, rules, or working conditions, any maritime employer shall file a copy of such contract, or a statement setting forth such change, with the Maritime Labor Board within ten days after such new contract has been executed, or such change has been made. Any maritime employer who willfully fails to file any copy of a contract or

statement as required by this section shall be subject to a fine of not more than \$100 for each offense. (June 23, 1938, sec. 45.)

Consideration and Adjustment of Agreements and Disputes by Employer-Employee Representatives.

June 29, 1936, sec. 1006 (46 U.S. C. 1256). All matters relating to the making and maintaining of agreements, and all disputes, between a maritime employer or employers and its or their employees shall be considered and, if possible, adjusted with all expedition, in conference between representatives designated and authorized by the maritime employer or employers and by its or their employees, respectively. It shall be the duty of the designated representatives of maritime employers, within five days after the receipt of notice of a desire on the part of either party to confer in regard to such matters and disputes, to specify a time and place at which such conference shall be held, and the board shall notify the representatives of the employees thereof. The place so specified shall be reasonably accessible to both parties; and the time so specified shall allow the designation nated conferees reasonable opportunity to reach such place of conference, but shall not exceed ten days from the receipt of such notice. Nothing in this title shall be construed to supersede the provisions of any agreement as to conferences in effect between the parties. (June 23, 1938, sec. 45.)

### Maritime Labor Board.

June 29, 1936, sec. 1007 (46 U.S. C. 1257). (a) There is hereby established as an independent agency in the executive branch of the Government a board to be known as the "Maritime Labor Board" (hereinafter referred to as the "Board") to be composed of three members appointed by the President, by and with the advice and consent of the Senate. The President shall name one of the members of the Board as Chairman. The terms of office of the members of the Board shall extend to the date of expiration of this title. Vacancies in the Board shall not impair the powers nor affect the duties of the Board nor of the remaining members of the Board. Two of the members in office shall constitute a quorum for the transaction of the business of the Board. Each member of the Board shall receive a salary at the rate of \$10,000 per annum, together with necessary traveling and subsistence expenses, or per diem allowance in lieu thereof, subject to the provisions of law applicable thereto, while away from the principal office of the Board on business required by this title. No person in the employment of, or who is pecuniarily or otherwise interested in, any organization of maritime employees or any maritime employer shall enter upon the duties of, or continue to be, a member of the Board. A member of the Board may be removed by the President for inefficiency, neglect of duty, malfeasance in office, or ineligibility, but for no other cause.

(b) The Board shall maintain its principal office in the District of Columbia, but it may meet at any other place whenever it deems it necessary to do so. The Board is hereby authorized to adopt all necessary rules and regulations to carry out the powers, duties, and functions vested in it by this title. The Board shall have a seal

which shall be judicially noticed.

(c) The Board may (1) appoint such experts and assistants to act in a confidential capacity and, subject to the provisions of the civil-service laws, appoint such other officers and employees as are essential to the effective transaction of the work of the Board; (2) in accordance with the Classification Act of 1923, as amended, fix the salaries of such experts, assistants, officers, and employees; and (3) make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for law books, periodicals, and books of reference, and for printing and binding, and including expenditures for salaries and compensation, necessary traveling expenses and expenses actually incurred for subsistence, and other necessary expenses of the Board) as may be necessary for the execution of the functions vested in the Board, and as may be provided for by the Congress from time to time. All expenditures of the Board shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman or by any employee of the Board designated by the chairman for that purpose.

(d) The Board is hereby authorized by its order to assign, or refer, any portion of its work, business, or functions to an individual member of the Board, or an employee or employees of the Board, to be designated by such order, for action thereon; and by its order at any time to amend, modify, supplement, or rescind any such assignment or reference. All such orders shall take effect forthwith and remain in effect until otherwise ordered by the Board. In conformity with and subject to the order or orders of the Board in the premises, any such individual member of the Board or employee designated shall have power and authority to act as to any of said work, business, or functions so assigned or referred to him for action

by the Board. (June 23, 1938, sec. 45.)

# MEDIATION AND ASSISTANCE RELATING TO AGREEMENTS

June 29, 1936, sec. 1008 (46 U. S. C. 1258). (a) It shall be the duty of the Board, upon request of either the duly selected representatives of a maritime employer or employers or its or their employees who are parties to the making of a labor agreement, to encourage and assist in the making of such agreement, or, upon the request of both parties at interest, to assist in the interpretation of

the provisions of an agreement already in existence.

(b) The parties to a dispute between an employee or a group of employees and a maritime employer or group of maritime employers, may request the Board to act as mediator in such disagreements. The Board may proffer its services in case any maritime labor dispute is found by it to exist at any time. When a request for mediation is granted by the Board, or when the Board on its own initiative proffers such mediation, the Board shall promptly put itself in communication with the parties to such dispute and shall use its best efforts by mediation to bring them to agreement. (June 23, 1938, sec. 45.)

### Arbitration of Disputes

JUNE 29, 1936, sec. 1009 (46 U.S. C. 1259). If the Board should be unable through mediation to bring the parties to a dispute to

agreement in whole or in part, it shall, as its last required action, use its best efforts to secure the assent of both parties to arbitration of the matter or matters in dispute. (June 23, 1938, sec. 45.)

## REPORT OF PLAN FOR PERMANENT LABOR POLICY

June 29, 1936, sec. 1010 (46 U. S. C. 1260). On or before March 1, 1940, the Board shall submit to the President and to Congress a comprehensive plan for the establishment of a permanent Federal policy for the amicable adjustment of all disputes between maritime employers and employees and for the stabilization of maritime labor relations. As far as may be, the Board shall seek to secure through its mediatory efforts agreement between maritime employers and employees upon the plan it is hereby required to submit. (June 23, 1938, sec. 45.)

### APPROPRIATIONS

June 29, 1936, sec. 1011 (46 U. S. C. 1261). There is hereby authorized to be appropriated such sums as may be necessary for expenditure by the Board in carrying out the provisions of this title. (June 23, 1938, sec. 45.)

### DURATION OF ACT

June 29, 1936, sec. 1012 (46 U. S. C. 1262). This title (Act) shall expire at the end of three years from the date of its enactment. (June 23, 1938, sec. 45.)

## Chapter XIII.—NAVIGATION FEES

### Schedule of Fees.

The fees in column A are those collectible on the Atlantic, Gulf, and Pacific coasts and on the Mississippi River and tributaries: those in column B are collectible on the northern, northeastern, and northwestern frontiers (Great Lakes, Lake Champlain, and St. Lawrence River).

These fee numbers are to be cited to the exclusion of all former lists

Fee No.	Description of services	A	В
1	Entry of vessel, including American, from foreign port (Rev. Stat. 2654, U. S. C., title 19, sec. 58):  Less than 100 tons net 100 tons net and over	\$1, 50 2, 50	
2	Clearance of vessel, including American, to foreign port (Rev. Stat. 2654, U.S.C., title 19, sec. 58): Less than 100 tons net.	1, 50	
3	100 tons net and over  Permit to foreign vessel to proceed from district to district, and receiving the mani-	2. 50	
4	fest (Rev. Stat. 4381, 4382, U. S. C., title 46, secs. 329 and 330).  Receiving manifest of foreign vessel on arrival from another district, and granting	2.00	<b>\$</b> 0. 10
5	a permit to unlade (Rev. Stat. 4381, 4382, U. S. C., title 46, secs. 329 and 330)  Post entry (Rev. Stat. 2654 and 4382, U. S. C., title 46, sec. 58; U. S. C., title 19,	2.00	. 10
6	sec. 330). [Repealed act of Mar. 3, 1933]	2.00	2.00
7	Changing name of vessel:		
'	Less than 100 tons gross	10.00	10.00
	100 gross and not exceeding 499 gross		25.06
	500 gross and not exceeding 999 gross		50.00
	1,000 gross and not exceeding 4,999 gross	75.00	75.00
	5,000 gross and over	100.00	100. CO
	(Act Feb. 19, 1920, U. S. C., title 46, sec. 53; Commerce Circular 281)		
8	(1) Recording.—Bill of sale, conveyance, mortgage (C-b); or		
	(2) Furnishing.—Certified copy of any bill of sale, convey ance, mortgage, notice of		
	claim of lien, or certificate of discharge in respect to such vessel (I-2); or  (3) Certified copy of record at former home port (H-c); or		
	(4) Certificate setting forth names of owners, the interest held by each owner,		
	material facts put in each bill of sale, conveyance, or mortgage, or lien, or encumbrance (I-1); or		
	(5) Certificate that there are no liens or encumbrances (I). (Act June 5, 1920, sec.		_
_ 1	30, sub sec. I., U. S. C., title 46, sec. 927)	. 20	. 20
9	Official bond, not otherwise provided for (Rev. Stat. 2654, U. S. C., title 19, sec 58)	. 40	
10	Certificate of payment of tonnage tax and certificate of admeasurement, both for foreign vessel (Rev. Stat. 2654, U. S. C., title 19, sec. 58)	. 20	. 20
11	Copy of official document, including marine document, not elsewhere enumerated	0	
	(Rev. Stat. 2654, U. S. C., title 19, sec. 58)	. 20	. 20

#### INSTRUCTIONS

FEE 1 should be collected at the first port of entry only. This fee should not be collected from a vessel entering at a port on the northern, northeastern, or northwestern frontier otherwise than by sea.

FEE 2 should be collected at the port from which a vessel clears for a foreign country. If a foreign vessel proceeds from New York to La Guaira, Venezuela, via San Juan, Puerto Rico, with foreign cargo for both ports, FEE 3 would be collected at New York and FEE 4 at San Juan, and whether the vessel be American or foreign, FEE 2 would be collected on clearing from San Juan. This fee should not be collected from a vessel clearing from a port on the northern unritheastern or northwestern frontier otherwise then by each of the port of the northern unritheastern or northwestern frontier otherwise then by each clearing from a port on the northern, northeastern, or northwestern frontier otherwise than by sea.

FEE 3 should be collected for granting a permit (Commerce Cat. 1385) to a foreign vessel to proceed to another customs district, but not for a permit to a port in the same district.

FEE 4 should be collected for receiving manifest of a foreign vessel arriving from another customs district, but not for a permit to a port in the same district.

but not on arriving from another port in the same district.

FEE 6 is no longer imposed.

FEE 7 should be collected when the application is approved.

FEE 8 is 20 cents for each folio of 100 words, with a minimum charge of 1 dollar. No charge should be made for less than 100 words in excess of the minimum number of 500; thus, the charge for 599 words is 1 dollar and for 600 words is 1 dollar and 20 cents. See Department Circular No. 283, paragraph 23, for the method of computing the number of words.

FEE 9 is collected principally from vessels in the Alaska trade.

FEE 10 should be collected from foreign vessels only.

Fee 11 should be collected for each copy whether certified or not, of any official document, including marine document, furnished to any person other than a Government officer.

Note.—No fee should be collected for admeasuring a vessel for a certificate of record (Commerce Cat. 1316) nor for a Panama Canal tonnage certificate.

Vessels Calling Virgin Islands Exempted Payment Entrance and Clearance Fees.

June 22, 1936, sec. 4 (c) (48 U. S. C. 1405c). No Federal laws levying tonnage duties, light money, or entrance and clearance fees shall apply to the Virgin Islands. (August 7, 1939.)

Ferry Boats Exempted Payment of Fees.

R. S. 2792 (46 U. S. C. 110). Vessels used exclusively as ferryboats carrying passengers, baggage, and merchandise, shall not be required to enter and clear, nor shall the masters of such vessels be required to present manifests, or to pay entrance or clearance fees, or fees for receiving or certifying manifests, but they shall, upon arrival in the United States, be required to report such baggage and merchandise to the proper officer of the customs according to law.

Tri-Weekly Passenger Vessel Exempted.

R. S. 2792 (46 U. S. C. 112 and 124). Any passenger vessel engaged \* \* triweekly or oftener in trade between ports of the United States and foreign ports shall be exempt from entrance and clearance fees and tonnage taxes while such service triweekly or oftener is maintained. (May 28, 1908; see sec. 441, Tariff Act, 1930.)

# Chapter XIV .- CLEARANCE OF VESSELS

Requirement for.

R. S. 4197 (46 U. S. C. 91). The master or person having the charge or command of any vessel bound to a foreign port shall deliver to the collector of the district from which such vessel is about to depart a manifest of all the cargo on board the same, and the value thereof, by him subscribed, and shall swear to the truth thereof; whereupon the collector shall grant a clearance for such vessel and her cargo, but without specifying the particulars thereof in the clearance, unless required by the master or other person having the

charge or command of such vessel so to do.

If any vessel bound to a foreign port (other than a licensed yacht not engaging in any trade nor in any way violating the revenue laws of the United States) departs from any port or place in the United States without a clearance, or if the master delivers a false manifest, or does not answer truly the questions demanded of him, or, having received a clearance adds to the cargo of such vessel without having mentioned in the report outwards the intention to do so, or if the departure of the vessel is delayed beyond the second day after obtaining clearance without reporting the delay to the collector, the master or other person having the charge or command of such vessel shall be liable to a penalty of not more than \$1,000 nor less than \$500, or if the cargo consists in any part of narcotic drugs, or any spirits, wines, or other alcoholic liquors (sea stores excepted), a penalty of not more than \$5,000 nor less than \$1,000 for each offense, and the vessel shall be detained in any port of the United States until the

said penalty is paid or secured:

Provided, That in order that the commerce of the United States may move with expedition and without undue delay, the Secretary of Commerce is hereby authorized to make regulations permitting the master of any vessel taking on cargo for a foreign port or for a port in noncontiguous territory belonging to the United States to file a manifest as hereinbefore provided, and if the manifest be not a complete manifest and it so appears upon such manifest, the collector of customs may grant clearance to the vessel in the case of an incomplete manifest, taking from the owner of the vessel, who may act in the premises by a duly authorized attorney in fact, a bond with security approved by the collector of customs in the penal sum of \$1,000, conditioned that the master or someone for him will file a completed outward manifest not later than the fourth business day after the clearance of the vessel. In the event that the said complete outward manifest be not filed as required by the provisions of this section and the regulations made by the Secretary of Commerce in pursuance hereof, then a penalty of \$50 for each day's delinquency beyond the allowed period of four days for filing the completed manifest shall be exacted, and if the completed manifest be not filed within the three days following the four-day period, then for each succeeding day of delinquency a penalty of \$100 shall be exacted. Suit may be instituted in the name of the United States against the principal and surety on the bond for the recovery of any penalties that may accrue and be exacted in accordance with the terms of the bond. (Aug. 5, 1935, sec. 209; June 16, 1938, sec. 1.)

Licensed Deck Officer or Purser May Make Entry and Clearance.

May 4, 1934 (46 U. S. C. 91a). Whenever, under any provision or provisions of any statute of the United States, it is made the duty of the masters of vessels to make entry and clearance of same, it shall be lawful for such duties to be performed by any licensed deck officer or purser of such vessel; and when such duties are performed by a licensed deck officer or purser of such vessel, such acts shall have the same force and effect as if performed by masters of such vessels: Provided, That nothing herein contained shall relieve the master of any penalty or liability provided by any statute relating to the entry or clearance of vessels.

### Master's Oath.

R. S. 4198 (46 U. S. C. 94). The oath to be taken by the master or commander of the vessel shall be as follows:

#### District of

I, (insert the name), master or commander of the (insert the denomination and name of the vessel), bound from the port of (insert the name of the port or place sailing from) to (insert the name of the port or place bound to), do solemnly, sincerely, and truly swear (or affirm, as the case may be) that the manifest of the cargo on board the said (insert denomination and name of the vessel), now delivered by me to the collector of this district, and subscribed with my name, contains, according to the best of my knowledge and belief, a full, just, and true account of all the goods, wares, and merchandise now actually laden on board the said vessel, and of the value thereof; and if any other goods, wares, or merchandise shall be laden or put on board the said (insert denomination and name of vessel) previous to her sailing from this port, I will immediately report the same to the said collector. I do also swear (or affirm) that I verily believe the duties on all the foreign merchandise therein specified have been paid or secured, according to law, and that no part thereof is intended to be relanded within the United States, and that if by distress or other unavoidable accident it shall become necessary to reland the same, I will forthwith make a just and true report thereof to the collector of the customs of the district wherein such distress or accident may happen. So help me God. (Apr. 29, 1902.) See act June 15, 1917, Title V, sec. 4, n. 303.

#### Form of Outward Manifest.

R. S. 4199 (46 U. S. C. 93). The form of the report and manifest to be delivered to the collector shall be as follows:

Report and manifest of the cargo laden at the port of , on board the master, bound for port

Marks	Numbers	Packages or articles in bulk	Contents or quantities	Value at the port of exportation

Export Declarations.

R. S. 4200 (46 U. S. C. 92). Before a clearance shall be granted for any vessel bound to a foreign port, the owners, shippers, or consignors of the cargo of such vessels shall deliver to the collector manifests of the cargo, or the parts thereof shipped by them respectively, and shall verify the same by oath. Such manifests shall specify the kinds and quantities of the articles shipped respectively, and the value of the total quantity of each kind of article; and the oath to each manifest shall state that it contains a full, just, and true account of all articles laden on board of such vessel by the owners, shippers, or consignors, respectively, and that the values of such articles are truly stated, according to their actual cost, or the values which they truly bear at the port and time of exportation. And before a clearance shall be granted for any such vessel, the master of that vessel, and the owners, shippers, and consignors of the cargo, shall state, upon oath, to the collector, the foreign port or country in which such cargo is truly intended to be landed. The oaths shall be taken and subscribed in

writing:

Provided, That in order that the commerce of the United States may move with expedition and without undue delay, the Secretary of Commerce is hereby authorized to make regulations permitting the clearance of a vessel having on board cargo destined to a foreign port or to a port in noncontiguous territory belonging to the United States, before delivery to the collector of customs of shippers' manifests or export declarations of the cargo laden on board, upon receipt by the collector of a bond with security approved by him in the penal sum of \$1,000, conditioned that the complete shippers' manifests or export declarations of all cargo laden aboard such vessel shall be filed with him not later than the fourth business day after the clearance of the vessel. In the event that all of the shippers' manifests or export declarations are not filed as required by the provisions of this section and the regulations made by the Secretary of Commerce in pursuance hereof, then a penalty of \$50 for each day's delinquency beyond the allowed period of four days for filing all of the shippers' manifests or export declarations shall be exacted, and if all of the shippers' manifests or export declarations are not filed within the three days following the four-day period, then for each succeeding day of delinquency, a penalty of \$100 shall be exacted. Suit may be instituted in the name of the United States against the principal and surety on the bond for the recovery of any penalties that may accrue and be exacted in accordance with the terms of the bond. (June 16, 1938, sec. 2.)

### Form of Clearance.

R. S. 4201 (46 U. S. C. 96). The form of a clearance, to be granted to a ship or vessel on her departure to a foreign port or place, shall be as follows:

District of , ss, Port of

These are to certify all whom it doth concern, that , master or commander of the , burden tons, or thereabouts, mounted with guns, navigated with men, built, and bound for , having on board , hath here entered and cleared his said vessel according to law. Given under our hands and seals, at the customhouse of this day of , one thousand , and in the year of the Independence of the United States of America.

State Inspection Laws.

R. S. 4202 (46 U. S. C. 97). The collectors and other officers of the customs shall pay due regard to the inspection laws of the States in which they may respectively act, in such manner that no vessel having on board goods liable to inspection shall be cleared until the master, or other proper person, shall have produced such certificate that all such goods have been duly inspected, as the laws of the respective States may require to be produced to collectors or other officers of the customs.

### Manifests in Alaskan and Insular Trades.

Apr. 29, 1902 (46 U. S. C. 95). The provisions of sections 4197 to 4200 [46 U. S. C. 91-94], inclusive, of the Revised Statutes of the United States, requiring statements of quantity and value of goods carried by vessels clearing from the United States to foreign ports, shall be extended to and govern, under such regulations as the Secretary of Commerce shall prescribe, in the trade between the United States and Hawaii, Puerto Rico, Alaska, the Philippine Islands, Guam, and its other noncontiguous territory, and shall also govern in the trade conducted between said islands and territory, and in shipments from said islands or territory to other parts of the United States: Provided, That this law shall not apply in the Philippine Islands during such times as the collectors of customs of those islands are under the jurisdiction of the War Department. (May 17, 1932.)

Bullion and Coin.

R. S. 4204 (46 U. S. C. 98). All vessels belonging to citizens of the United States, and bound from any port in the United States to any other port therein, or to any foreign port, or from any foreign port to any port in the United States, shall, before clearance, receive on board all such bullion, coin, United States notes and bonds and other securities, as the Government of the United States or any department thereof, or any minister, consul, vice consul, or other agent of the United States abroad, shall offer, and shall securely convey and promptly deliver the same to the proper authorities or consignees, on arriving at the port of destination; and shall receive for such service such reasonable compensation as may be allowed to other carriers in the ordinary transactions of business. (Apr. 5, 1906, sec. 3.)

## Permit to Touch and Trade.

R. S. 4364 (46 U. S. C. 310). Whenever any vessel licensed for carrying on the fishery is intended to touch and trade at any foreign port, it shall be the duty of the master or owner to obtain permission for that purpose from the collector of the district where such vessel may be previous to her departure, and the master of every such vessel shall deliver like manifests, and make like entries, both of the vessel and of the merchandise on board within the same time and under the same penalty as are by law provided for vessels of the United States arriving from a foreign port.

Penalty Against Fishing Vessel for Engaging in Foreign Trade Without Permit to Touch in Trade.

R. S. 4365 (46 U. S. C. 311). Whenever a vessel licensed for carrying on the fisheries is found within three leagues of the coast with merchandise of foreign growth or manufacture exceeding the

value of \$500, without having such permission as is directed by the preceding section, such vessel, together with the merchandise of foreign growth or manufacture imported therein, shall be subject to seizure and forfeiture.

Payment of Fees Condition Precedent to Clearance.

R. S. 4206 (46 U. S. C. 100). Previous to a clearance being granted to any vessel, outward bound, the legal fees which shall have accrued on such vessel shall be paid at the offices where such fees are respectively payable; and receipts for the same shall be produced to the collector or other officer whose duty it may be to grant clearances, before a clearance is granted.

Note.—For schedule of statutory fees, see p. 251.

List of Consular and Diplomatic Fees.

R. S. 4207. Whenever any clearance is granted to any vessel of the United States, duly registered as such, and bound on any foreign voyage, the collector of the district shall annex thereto, in every case, a copy of the rates or tariffs or fees which diplomatic and consular officers are entitled, by the regulations prescribed by the President, to receive for their services.

Clearance on Lake Champlain.

R. S. 4208 (46 U. S. C. 102). The master or person having charge or command of any steamboat on Lake Champlain, when going from the United States into the Province of Quebec, may deliver a manifest of the cargo on board, and take a clearance from the collector of the district through which any such boat shall last pass, when leaving the United States, without regard to the place from which any such boat shall have commenced her voyage, or where her cargo shall have been taken on board.

## Clearance on Great Lakes.

R. S. 3118 (19 U. S. C. 286). The master of any vessel so enrolled or licensed shall, before departing from a port in one collection district to a place in another collection district, where there is no customhouse, file his manifest, and obtain a clearance in the same manner, and make oath to the manifest, which manifest and clearance shall be delivered to the proper officer of customs at the port at which the vessel next arrives after leaving the place of destination specified in the clearance.

Report and Unlading of Cargo.

R. S. 3119 (19 U. S. C. 287). Nothing contained in section 3118 shall exempt masters of vessels from reporting, as now required by law, any merchandise destined for any foreign port. No permit shall be required for the unlading of cargo brought from an American port.

Frontier Vessels Required to Clear.

R. S. 2793 (46 U. S. C. 111 and 123). Enrolled or licensed vessels engaged in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, departing from or arriving at a port in one district to or from a port in another district, and also touching at intermediate foreign ports.

shall not thereby become liable to the payment of entry and clearance fees, or tonnage tax, as if from or to foreign ports; but such vessels shall, notwithstanding, be required to enter and clear.

## Documents leturned at Clearance.

JUNE 17, 1930, sec. 437 (19 U. S. C. 1437). The register, or document in lieu thereof, deposited in accordance with section 434 or 435 of this Act [19 U. S. C. 1434 or 1435] shall be returned to the master or owner of the vessel upon its clearance.

# Unlawful Return of Foreign Vessel's Papers.

JUNE 17, 1930, sec. 438 (19 U. S. C. 1438). It shall not be lawful for any foreign consul to deliver to the master of any foreign vessel the register, or document in lieu thereof, deposited with him in accordance with the provisions of section 435 of this Act until such master shall produce to him a clearance in due form from the collector of the port where such vessel has been entered. Any consul offending against the provisions of this section shall be liable to a fine of not more than \$5,000.

## Ferry Boats Exempt.

R. S. 2792 (46 U. S. C. 110). Vessels used exclusively as ferry-boats carrying passengers, baggage, and merchandise, shall not be required to enter and clear, nor shall the masters of such vessels be required to present manifests, or to pay entrance or clearance fees, or fees for receiving or certifying manifests, but they shall, upon arrival in the United States, be required to report such baggage and merchandise to the proper officer of the customs according to law.

# Refusal of to Vessel Refusing to Accept Freight.

SEPT. 7, 1916, sec. 36 (46 U. S. C. 834). The Secretary of the Treasury is authorized to refuse a clearance to any vessel or other vehicle laden with merchandise destined for a foreign or domestic port whenever he shall have satisfactory reason to believe that the master, owner, or other officer of such vessel or other vehicle refuses or declines to accept or receive freight or cargo in good condition tendered for such port of destination or for some intermediate port of call, together with the proper freight or transportation charges therefor, by any citizen of the United States, unless the same is fully laden and has no space accommodations for the freight or cargo so tendered, due regard being had for the proper loading of such vessel or vehicle, or unless such freight or cargo consists of merchandise for which such vessel or vehicle is not adaptable.

## Fees for Clearance.

R. S. 2654 (19 U. S. C. 58). Collectors shall charge and collect the following fee: \* \* \*

Second. For every clearance of any vessel of one hundred tons

burden and upward, \$2.50. \* \* \*

Fourth. For every clearance of any vessel under one hundred tons burden, \$1.50. \* \* \* (Aug. 24, 1912, sec. 1.)

## Chapter XV .-- DOMESTIC COMMERCE

Great Districts.

R. S. 4348 (46 U. S. C. 293 and 293a). The seacoasts and navigable rivers of the United States and Puerto Rico shall be divided into six great districts: The first to include all the collection districts on the seacoasts and navigable rivers between the northern boundary of the State of Maine and the southern boundary of the State of Texas; the second to consist of the island of Puerto Rico; the third to include the collection districts on the seacoasts and navigable rivers between the southern boundary of the State of California and the northern boundary of the State of Washington; the fourth to consist of the Territory of Alaska; the fifth to consist of the Territory of Hawaii; and the sixth to include all the collection districts on the Great Lakes, their connecting and tributary waters, as far east as the Raquette River, New York. (May 12, 1906, sec. 1; July 3, 1926, sec. 1; S. J. Res. 36, May 17, 1932.)

JULY 3, 1926, sec. 2 (46 U. S. C. 293b). Enrolled and licensed vessels operating in the great district herein created shall be subject to all of the requirements of licensed and enrolled and licensed vessels imposed by sections 4349, 4350, 4351, and 4352 of the Revised Statutes [46 U. S. C. 294 to 297] and amendments and laws supplementary thereto: Provided, That nothing herein shall affect the rights or

privileges reserved to seamen under existing law.

## DEPARTURE WITHIN A GREAT DISTRICT

R. S. 4349 (46 U. S. C. 294). The master of every vessel under twenty tons burden licensed for carrying on the coasting trade, destined from a district in one State to a district in the same or an adjoining State in another great district, having on board either vessel of the burden of twenty tons and upward, destined from a district within one of the great districts to another district within the same great district, or from a State in one great district to an adjoining State in another great district, having on board either distilled spirits in casks exceeding five hundred gallons, wines in casks exceeding two hundred and fifty gallons, or in bottles exceeding one hundred dozen, sugar in casks or boxes exceeding three thousand pounds, or foreign merchandise in packages, as imported, exceeding in value \$400, or merchandise, consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value exceeds \$800, shall, previous to the departure of such vessel from the port where she may then be, make out and subscribe duplicate manifests of the whole of such cargo on board such vessel, specifying in such manifests the marks and numbers of every cask, bag, box, chest, or package containing the same, with the name and place of residence of every shipper and consignee, and the quantity shipped by and to each. If there be a collector or

surveyor residing at such port, or within five miles thereof, he shall deliver such manifest to the collector, if there be one; otherwise to the surveyor, before whom he shall swear, to the best of his knowledge and belief, that the goods therein contained were legally imported, and the duties thereupon paid or secured, or if spirits distilled within the United States that the duties thereupon have been paid or secured. Thereupon the collector or surveyor shall certify the same on the manifests, one of which he shall return to the master, with a permit, specifying thereon, generally, the lading on board such vessel, and authorizing him to proceed to the port of his destination.

R. S. 4350 (46 U. S. C. 295). If any vessel, being laden and

R. S. 4350 (46 U. S. C. 295). If any vessel, being laden and destined, as mentioned in the preceding section, shall depart from the port where she may then be without the master having first made out and subscribed duplicate manifests of the lading on board such vessel, and in case there be a collector or surveyor residing at such port, or within five miles thereof, without having previously delivered the same to the collector or surveyor, and obtaining a permit, such master shall be liable to a penalty of \$100. (July 12, 1876.)

## ARRIVAL WITHIN A GREAT DISTRICT

R. S. 4351 (46 U. S. C. 296). The master of every vessel licensed for carrying on the coasting trade, having on board either distilled spirits in casks exceeding five hundred gallons, wine in casks exceeding two hundred and fifty gallons, or in bottles exceeding one hundred dozens, sugar in casks or boxes exceeding three thousand pounds, or foreign merchandise in packages, as imported, exceeding in value \$400, or goods, wares, or merchandise, consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value exceeds \$800, and arriving from a district in one State, at a district in the same or an adjoining State on the seacoast, or on a navigable river, or, if of the burden of twenty tons or upward, arriving at a district within one of the great districts from another district within the same great district, or from a State adjoining such great district, shall, previous to the unlading of any part of the cargo of such vessel, deliver to the collector, if there be one, or if not, to the surveyor residing at the port of her arrival, or if there be no collector or surveyor residing at such port, then to a collector or surveyor, if there be any such officer residing within five miles thereof, the manifest of the cargo, certified by the collector or surveyor of the district from whence she sailed if there be such manifest, otherwise the duplicate manifest thereof, as is hereinbefore directed, to the truth of which, before such officer, he shall swear. If there have been taken on board such vessel any other or more goods than are contained in such manifests or manifests, since her departure from the port from whence she first sailed, or if any goods have been since landed, the master shall make known and particularize the same to the collector or surveyor, or if no such goods have been so taken on board or landed, he shall so declare, to the truth of which he shall swear. Thereupon the collector or surveyor shall grant a permit for unlading a part or the whole of such cargo, as the master or commander may request. If there is no collector or surveyor residing at or within five miles

of the port of her arrival, the master of such vessel may proceed to discharge the lading from on board such vessel, but shall deliver to the collector or surveyor residing at the first port where he may next afterward arrive, and within twenty-four hours of his arrival, the manifest or manifests, noting thereon the times when and places where the goods therein mentioned have been unladen, to the truth of which, before the last-mentioned collector or surveyor, he shall swear.

R. S. 4352 (46 U. S. C. 297). If the master of any such vessel, being laden and destined as mentioned in the preceding section, shall neglect or refuse to deliver manifests, at the times and in the manner directed, he shall be liable to a penalty of \$100.

## DEPARTURE FOR ANOTHER GREAT DISTRICT

R. S. 4353 (46 U. S. C. 298). The master of every vessel under twenty tons of burden licensed for carrying on the coasting trade, and destined from any district of the United States to a district other than a district in the same or an adjoining State, on the seacoast, or on a navigable river, and of every vessel of the burden of twenty tons and upward, destined to a district other than a district within the same great district, or within a State adjoining such great district, shall, previous to her departure, deliver to the collector residing at the port where such vessel may be, if there is one, otherwise to the collector of the district comprehending such port, or to a surveyor within the district, as the one or the other may reside nearest to the port at which such vessel may be, duplicate manifest of the whole cargo on board such vessel; or if there is no cargo on board, he shall so certify; and if there are any distilled spirits or merchandise of foreign growth or manufacture on board, other than what may by the collector be deemed sufficient for sea stores, he shall specify in such manifest the marks and numbers of every cask, bag, box, chest, or package containing the same, with the name, and place of residence of every shipper and consignee of such distilled spirits or merchandise of foreign growth or manufacture, and the quantity shipped by and to each. The manifests or certificates shall be subscribed and sworn to by him; and he shall also swear, before the collector or surveyor, that such merchandise of foreign growth or manufacture was, to the best of his knowledge and belief, legally imported, and the duties thereupon paid or secured; or, if spirits distilled within the United States, that the duties thereupon have been duly paid or secured. Upon the performance of these provisions, and not before, the collector or surveyor shall certify the same on the manifests or certificates; one of which he shall return to the master, with a permit thereto annexed, authorizing him to proceed to the port of his destination.

R. S. 4354 (46 U. S. C. 299). If any such vessel, destined as mentioned in the preceding section, shall depart from the port where she may then be, having distilled spirits, or goods, wares, or merchandise of foreign growth or manufacture on board, without complying with the requirements of the preceding section, the master thereof shall be liable to a penalty of \$100; or, if the lading be of goods the growth or manufacture of the United States only, or if

such vessel have no cargo, and she depart without the several things required in the preceding section being complied with, the master shall be liable to a penalty of \$50.

# ARRIVAL FROM ANOTHER GREAT DISTRICT

R. S. 4355 (46 U. S. C. 300). The master of every vessel under twenty tons burden licensed to carry on the coasting trade, arriving at any district of the United States from any district other than a district in the same or an adjoining State on the seacoast, or on a navigable river, and of every vessel of the burden of twenty tons and upward arriving from a district other than a district within the same great district, or from a State adjoining such great district, shall deliver to the collector residing at the port where she may arrive, if there be one, otherwise to the collector or surveyor in the district comprehending such port, as the one or the other may reside nearest thereto, if the collector or surveyor reside at a distance not exceeding five miles, within twenty-four hours, or, if at a greater distance, within forty-eight hours next after his arrival, and previous to the unlading any of the goods brought in such vessel, the manifest of the cargo, if there be any, certified by the collector or surveyor of the district from whence she last sailed; and shall make oath, before the collector or surveyor, that there was not when he sailed from the district where his manifest was certified, and has not been since, and is not then, any more or other merchandise of foreign growth or manufacture, or distilled spirits, if there be any, other than sea stores, on board such vessel, than is therein mentioned; and if there be none such, he shall so swear; and if there be no cargo on board, he shall produce the certificate of the collector or surveyor of the district from whence she last sailed that such is the case. Thereupon such collector or surveyor shall grant a permit for unlading the whole or part of such cargo, if there be any within his district, as the master may request; and where a part only of the merchandise of foreign growth or manufacture, or of distilled spirits, brought in such vessel, is intended to be landed, the collector or surveyor shall make an indorsement of such part on the back of the manifest, specifying the articles to be landed; and shall return such manifest to the master, indorsing also thereon, his permission for such vessel to proceed to the place of her destination.

R. S. 4356 (46 U. S. C. 301). If the master of such vessel, laden and destined as mentioned in the preceding section, shall neglect or refuse to deliver the manifest, or, if she has no cargo, the certificate, within the time directed in the preceding section, he shall be liable to a penalty of \$100, and the merchandise of foreign growth or manufacture, or distilled spirits, found on board, or landed from such ship or vessel, not being certified as required, shall be forfeited; and if the same shall amount to the value of \$800, such ship or vessel, with her tackle, apparel, and furniture, shall be also forfeited.

Exemption on the Mississippi and Tributaries.

July 12, 1876 (46 U.S. C. 302). The provisions of sections 4349, 4350, 4351, 4352, 4353, 4354, 4355, 4356 of the Revised Statutes, requiring the master of every vessel licensed to carry on the coasting trade, laden in part with foreign merchandise or distilled spirits, to

procure a permit from the customs officer of the port at which his vessel was laden, authorizing him to proceed to his port of destination, and also to procure a permit from the port of destination for the unlading of his cargo, shall not be held to include vessels engaged in the navigation of the Mississippi River or tributaries above the port of New Orleans.

## Vessels With Domestic Cargo.

R. S. 4359 (46 U. S. C. 303). Nothing in this Title [R. S. 4311-4390] shall be so construed as to oblige the master of any vessel of less than twenty tons burden, licensed for carrying on the coasting trade, bound from a district in one State to a district in the same or an adjoining State on the seacoast, or on a navigable river, or of any vessel of the burden of twenty tons or upward, bound from a district within one of the great districts to a district within the same great district, or within a State adjoining such great district, having on board merchandise of the growth, product, or manufacture of the United States only, except distilled spirits, or distilled spirits not more than five hundred gallons, wine in casks not more than two hundred and fifty gallons, or in bottles not more than one hundred dozens, sugar in casks or boxes not more than three thousand pounds, or foreign merchandise in packages, as imported, of not more value than \$400, or merchandise consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value shall be not more than \$800, to deliver a manifest thereof, or obtain a permit, previous to her departure, or, on her arrival within such district, to make any report thereof; but such master shall be provided with a manifest, by him subscribed, of the lading, of what kind soever, which was on board such vessel at the time of his departure from the district from which she last sailed, and if the same, or any part of such lading, consists of distilled spirits or merchandise of foreign growth or manufacture, with the marks and numbers of each cask, bag, box, chest, or package containing the same, with the name of the shipper and consignee of each. Such manifest shall be by him exhibited, for the inspection of any officer of the revenue, when required by such officer; and he shall also inform such officer from whence such vessel last sailed, and how long she has been in port, when by him so interrogated.

R. S. 4360 (46 U. S. C. 304). Whenever the master of such vessel, laden and destined as described in the preceding section, is not provided, on his arrival within any such district, with a manifest, and does not exhibit the same, as required in the preceding section, if the lading of such vessel consists wholly of merchandise the produce or manufacture of the United States, distilled spirits excepted, he shall be liable to a penalty of \$20, or if there be distilled spirits, or merchandise of foreign growth or manufacture, on board, excepting what may be sufficient for sea stores, he shall be liable to a penalty of \$40; or if he shall refuse to answer the interrogatories truly, as is herein required, he shall be liable to a penalty of \$100. If any of the merchandise laden on board such vessel be of foreign growth or manufacture, or of spirits distilled within the United States, so much of the same as may be found on board such vessel, and not included in the manifest exhibited by such master, shall be forfeited.

(Feb. 18, 1875, sec. 1.)

R. S. 4357 (46 U. S. C. 305). Coasting vessels, going from Long Island, in the State of New York, to the State of Rhode Island, or from the State of Rhode Island to Long Island, shall have the same privileges as are allowed to vessels under the like circumstances going from a district in one State to a district in the same or an adjoining State.

## Registered Vessels in the Coasting Trade.

R. S. 4361 (46 U. S. C. 307). Whenever any vessel of the United States, registered according to law, is employed in going from any one district in the United States to any other district, such vessel, and the master thereof, with the goods she may have on board previous to her departure from the district where she may be, and also upon her arrival in any other district, shall be subject, except as to the payment of fees, to the same regulations, provisions, penalties, and forfeitures, and the like duties are imposed on like officers, as are provided for vessels licensed for carrying on the coasting trade. Nothing herein contained shall be construed to extend to registered vessels of the United States having on board merchandise of foreign growth or manufacture, brought into the United States, in such vessel, from a foreign port, and on which the duties have not been paid according to law. (See R. S. 4353-4355, pp. 261, 262.)

## Report by Master.

R. S. 4366. (46 U. S. C. 312). The master of every vessel employed in the transportation of merchandise from district to district, that shall put into a port other than the one to which she was bound, shall, within twenty-four hours of his arrival, if there be an officer, residing at such port, and she continues there so long, make report of his arrival to such officer, with the name of the place he came from, and to which he is bound, with an account of his lading; and every master who neglects or refuses so to do shall be liable to a penalty of \$20.

#### Extension Coastwise Laws.

June 5, 1920, sec. 21. (46 U. S. C. 877). From and after February 1, 1922, the coastwise laws of the United States shall extend to the Island Territories and possessions of the United States not now covered thereby, and the board is directed prior to the expiration of such year to have established adequate steamship service at reasonable rates to accommodate the commerce and the passenger travel of said islands and to maintain and operate such service until it can be taken over and operated and maintained upon satisfactory terms by private capital and enterprise: Provided, That if adequate shipping service is not established by February 1, 1922, the President shall extend the period herein allowed for the establishment of such service in the case of any island Territory or possession for such time as may be necessary for the establishment of adequate shipping facilities therefor: Provided further, That until Congress shall have authorized the registry as vessels of the United States of vessels owned in the Philippine Islands, the Government of the Philippine Islands is hereby authorized to adopt, from time to time, and enforce regulations governing the transportation of merchandise and passengers between ports or places in the Philippine Archipelago: And provided further, That the foregoing provisions of this section shall not take effect with reference to the Philippine Islands until the President of the United States after a full investigation, of the local needs and conditions shall, by proclamation, declare that an adequate shipping service has been established as herein provided and fix a date for the going into effect of the same. And further provided, That the coastwise laws of the United States shall not extend to the Virgin Islands of the United States until the President of the United States shall, by proclamation, declare that such coastwise laws shall extend to the Virgin Islands and fix a date for the going into effect of the same. (June 10, 1933, Ex. Ord. No. 6166; April 16, 1936; June 29, 1936.) (See Executive order Aug. 25, 1939, exempting Canton Island from above statute until Jan. 1, 1940.)

Transportation Merchandise in Foreign Vessels Between Points in United States Forbidden.

June 5, 1920, sec. 27 (46 U.S. C. 883). No merchandise shall be transported by water, or by land and water, on penalty of forfeiture thereof, between points in the United States, including Districts, Territories; and possessions thereof embraced within the coastwise laws, either directly or via a foreign port, or for any part of the transportation, in any other vessel than a vessel built in and documented under the laws of the United States and owned by persons who are citizens of the United States, or vessels to which the privilege of engaging in the coastwise trade is extended by sections 18 or 22 of this Act: Provided, That no vessel having at any time acquired the lawful right to engage in the coastwise trade, either by virtue of having been built in, or documented under the laws of the United States, and later sold foreign in whole or in part, or placed under foreign registry, shall hereafter acquire the right to engage in the coastwise trade: Provided further, That this section shall not apply to merchandise transported between points within the continental United States, excluding Alaska, over through routes heretofore or hereafter recognized by the Interstate Commerce Commission for which routes rate tariffs have been or shall hereafter be filed with said Commission when such routes are in part over Canadian rail lines and their own or other connecting water facilities: Provided further, That this section shall not become effective upon the Yukon River until the Alaska Railroad shall be completed and the Shipping Board shall find that proper facilities will be furnished for transportation by persons citizens of the United States for properly handling the traffic: Provided further, That this section shall not apply to the transportation of merchandise loaded on railroad cars or to motor vehicles with or without trailers, and with their passengers or contents when accompanied by the operator thereof, when such railroad cars or motor vehicles are transported in any railroad car ferry operated between fixed termini on the Great Lakes as a part of a rail route, if such car ferry is owned by a common carrier by water and operated as part of a rail route with the appoval of the Interstate Commerce Commission, and if the stock of such common carrier by water, or its predecessor, was owned or controlled by a common carrier by rail prior to June 5, 1920, and if the stock of the common carier owning such car ferry is, with the approval of the Interstate Commerce Commission, now owned or controlled by any common carrier by rail and if such car ferry is built in and documented under the laws of the United States. (April 11, 1935; July 2, 1935.)

Foreign Vessels May Not Transport Merchandise Coastwise-from Foreign Trade Zone.

June 18, 1934, sec. 5 (19 U. S. C. 81e). Vessels entering or leaving a zone shall be subject to the operation of all the laws of the United States, except as otherwise provided in this Act, (Foreign Trade Zone Act) and vessels leaving a zone and arriving in customs territory of the United States shall be subject to such regulations to protect the revenue as may be prescribed by the Secretary of the Treasury. Nothing in this Act shall be construed in any manner so as to permit vessels under foreign flags to carry goods or merchandise shipped from one foreign trade zone to another zone or port in the protected coastwise trade of the United States.

Transportation Between American Ports via Foreign Ports.

June 17, 1930, sec. 588 (19 U. S. C. 1588). If any merchandise is laden at any port or place in the United States upon any vessel belonging wholly or in part to a subject of a foreign country, and is taken thence to a foreign port or place to be reladen and reshipped to any other port in the United States, either by the same or by another vessel, foreign or American, with intent to evade the provisions relating to the transportation of merchandise from one port or place of the United States to another port or place of the United States in a vessel belonging wholly or in part to a subject of any foreign power, the merchandise shall, on its arrival at such lastnamed port or place, be seized and forfeited to the United States, and the vessel shall pay a tonnage duty of 50 cents per net ton.

## Admission Certain Vessels Coastwise Trade.

Aug. 10, 1939. Notwithstanding the provisions of section 27 of the Act of June 5, 1920, as amended (U. S. C., 1934 edition, Supp. IV, title 46, sec. 883), the barges Prari and Palpa, owned by the Southern Banana Corporation, a Delaware corporation, shall be admitted to American registry, and shall be entitled to engage in the coastwise trade and to transport merchandise between points in the United States, including Districts, Territories, and possessions thereof embraced within the coastwise laws.

Coastwise Passenger Transportation via Foreign Vessels Prohibited.

June 19, 1886, sec. 8 (46 U. S. C. 289). No foreign vessel shall transport passengers between ports or places in the United States, either directly or by way of a foreign port, under a penalty of \$200 for each passenger so transported and landed. (Feb. 17, 1898, sec. 2.)

Transportation Passengers Between Rochester and Alexandria Bay by Canadian Passenger Vessels.

April 5, 1938 (46 U. S. C. 289a). Until such time as passenger service shall be established by vessels of the United States between the port of Rochester, New York, and the port of Alexandria Bay,

New York, the Secretary of Commerce is authorized in his discretion to issue annually permits to Canadian passenger vessels to transport passengers between these ports; such Canadian vessels holding such permits not to be subject to the provisions of section 8 of the Act of June 19, 1886, as amended by section 2 of the Act of February 17, 1898 (46 U. S. C., sec. 289).

Coastwise Laws not Applicable American Samoa.

H. J. Res. 340, June 14, 1934 (48 U. S. C. 1433). The provisions of law of the United States restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from any port of the United States to another port of the United States shall not be applicable to commerce between the islands of American Samoa or between those islands and other ports under the jurisdiction of the United States.

## Immediate Exportation to Foreign Ports.

Feb. 17, 1898, sec. 3 (46 U. S. C. 291). Whenever merchandise is imported into the United States by sea for immediate exportation to a foreign port by sea, or by a river, the right to ascend or descend which for the purposes of commerce is secured by treaty to the citizens of the United States and the subjects of a foreign power, the Secretary of Commerce is hereby authorized to prescribe regulations for the transshipment and transportation of such merchandise. (Feb. 14, 1903, sec. 10.)

Foreign Vessels on Coasting Voyages.

R. S. 4367 (46 U. S. C. 313). The master of every foreign vessel bound from a district in the United States to any other district within the same, shall, in all cases, previous to her departure from such district, deliver to the collector of such district duplicate manifests of the lading on board such vessel, if there be any, or, if there be none, he shall declare that such is the case; and to the truth of such manifest or declaration he shall swear, and also obtain a permit from the collector, authorizing him to proceed to the place of his destination.

R. S. 4368 (46 U. S. C. 314). The master of every foreign vessel, on his arrival within any district from any other district, shall, in all cases, within forty-eight hours after his arrival, and previous to the unlading of any goods from on board such vessel, deliver to the collector of the district where he may have arrived, a manifest of the goods laden on board such vessel, if any there be; or if in ballast only, he shall so declare; he shall swear to the truth of such manifest or declaration, and shall also swear that such manifest contains an account of all the merchandise which was on board such vessel at the time, or has been since her departure from the place from whence she shall be reported last to have sailed; and he shall also deliver to such collector the permit which was given him from the collector of the district from whence he sailed.

R. S. 4369 (46 U. S. C. 315). Every master of any foreign vessel who neglects or refuses to comply with any of the requirements of the two preceding sections, shall be liable to a penalty of \$100. Nothing therein contained shall, however, be construed as affecting the payment of tonnage, or any other requirements to which such

vessels are subject by law.

#### Forfeiture of Vessels and Merchandise.

R. S. 4378 (46 U. S. C. 326). Any merchandise on board any vessel which belongs, in good faith, to any person other than the master, owner, or mariners of such vessel, and upon which the duties have been paid, or secured according to law, shall be exempted from any forfeiture under this Title [R. S. 4311-4390].

#### NOTICE OF SEIZURE OF VESSEL OR MERCHANDISE

R. S. 4379 (46 U. S. C. 327). In every case where a forfeiture of any vessel or merchandise shall accrue, it shall be the duty of the collector or other proper officer, who shall give notice of the seizure of such vessel or of such merchandise, to insert in the same advertisement the name and the place of residence of the person to whom any such vessel and merchandise belonged or where consigned, at the time of such seizure, if the same be known to him.

## LEGAL PROCEDURE

R. S. 4380 (46 U. S. C. 328). All penalties and forfeitures which shall be incurred by virtue of this Title [R. S. 4311-4390] may be sued for, prosecuted, and recovered as penalties and forfeitures incurred by virtue of the laws relating to the collection of duties, and shall be appropriated in like manner; except when otherwise expressly prescribed.

Foreign Tugboats.

R. S. 4370 (46 U. S. C. 316). All steam tugboats not of the United States found employed in towing documented vessels of the United States plying from one port or place in the same to another, shall be liable to a penalty of 50 cents per ton on the measurement of every such vessel so towed by them respectively, which sum may be recovered by way of libel or suit. This section shall not apply to any case where the towing, in whole or in part, is within or upon foreign waters. Any foreign railroad company or corporation, whose road enters the United States by means of a ferry or tugboat, may own such boat, and it shall be subject to no other or different restrictions or regulations in such employment than if owned by a citizen of the United States.

# Foreign-Built Dredge Cannot Engage in Domestic Dredging.

May 28, 1906, sec. 1 (46 U.S. C. 292). A foreign-built dredge shall not, under penalty of forfeiture, engage in dredging in the United States unless documented as a vessel of the United States.

# Chapter XVI.—TRADE WITH INSULAR POSSESSIONS OF UNITED STATES AND THE PHILIPPINE ISLANDS

Alaska.

#### COASTING LAWS

R. S. 4358 (46 U. S. C. 306). The coasting trade between the territory ceded to the United States by the Emperor of Russia (Territory of Alaska) and any other portion of the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great districts. See Act April 29,

1902, p. 256.

June 11, 1896, sec. 1 (48 U. S. C. 37). The Secretary of the Treasury is authorized to charge and fix the rates of dockage and wharfage to be paid by any private vessel or person allowed to use the wharf at Sitka, the said receipts to be deposited with the Treasurer of the United States as a miscellaneous receipt derived from Government property; and the Secretary of the Treasury shall direct, by regulation or otherwise, by whom said wharfage and dockage receipts shall be collected.

#### YUKON AND STICKINE RIVER TRADE

Feb. 17, 1898, sec. 3 (46 U. S. C. 291). Whenever merchandise is imported into the United States by sea for immediate exportation to a foreign port by sea, or by a river, the right to ascend or descend which for the purposes of commerce is secured by treaty to the citizens of the United States and the subjects of a foreign power, the Secretary of Commerce is hereby authorized to prescribe regulations for the transshipment and transportation of such merchandise (Feb. 14, 1903, sec. 10.)

#### MAIL BOATS

Aug. 10, 1939 (39 U. S. C. 487a). The Postmaster General may, in his discretion, contract for a period of not exceeding four years, without advertisement therefor, for the carriage of all classes of mail, by steamboat or other powerboat of United States registry, on the route from Seward, by points on Kenai Peninsula, Kodiak Island, Alaska Peninsula, the Aleutian Islands to Umnak Island, and points on Bristol Bay, Alaska, and vicinity, and back, by a schedule and under the conditions prescribed by the Postmaster General; the contractor to furnish and use in the service a safe and seaworthy boat of sufficient size to provide adequate space for mail, passengers, and freight, the annual cost not to exceed \$125,000, payment therefor to be made from the appropriation for powerboat service.

PRIBILOF, St. Paul, St. George, Walrus, and Otter Islands, and Sea Lion Rock

R. S. 1959 (16 U. S. C. 646). The Pribilof Islands, including the islands of Saint Paul and Saint George, Walrus and Otter

Islands, and Sea Lion Rock, in Alaska, are declared a special reservation for government purposes; and until otherwise provided by law it shall be unlawful for any person to land or remain on any of those islands, except through stress of weather or like unavoidable cause or by the authority of the Secretary of Commerce; and any person found on any of those islands contrary to the provisions hereof shall be summarily removed and shall be deemed guilty of a misdemeanor, punishable by fine not exceeding \$500 or by imprisonment not exceeding six months, or by both fine and imprisonment; and it shall be the duty of the Secretary of Commerce to carry this section into effect. (Apr. 21, 1910, sec. 5.)

Hawaii.

#### GENERAL PROVISIONS

Afr. 30, 1900, sec. 5 (48 U. S. C. 495). The Constitution, and, except as otherwise provided, all the laws of the United States, including laws carrying general appropriations, which are not locally inapplicable, shall have the same force and effect within the Territory of Hawaii as elsewhere in the United States: Provided, That sections 1841 to 1891 and 1910 and 1912 of the Revised Statutes, and amendments thereto, and the Act of July 30, 1886, and amendments thereto [48 U. S. C. 1453 to 1455, 1457 to 1460, 1463, 1465, 1467 to 1473, and 1475 to 1480] shall not apply to Hawaii. (May 27, 1910, sec. 1.) Afr. 30, 1900, sec. 6 (48 U. S. C. 496). The laws of Hawaii not

Apr. 30, 1900, sec. 6 (48 U. S. C. 496). The laws of Hawaii not inconsistent with the Constitution or laws of the United States or the provisions of this Act shall continue in force, subject to repeal or amendment by the legislature of Hawaii or the Congress of the United States.

## REGISTRY OF VESSELS AND COASTING TRADE

Apr. 30, 1900, sec. 98 (48 U. S. C. 509). All vessels carrying Hawaiian registers on the twelfth day of August, 1898, and which were owned bona fide by citizens of the United States, or the citizens of Hawaii, together with the following-named vessels claiming Hawaiian register, Star of France, Euterpe, Star of Russia, Falls of Clyde, and Willscott, shall be entitled to be registered as American vessels, with the benefits and privileges appertaining thereto, and the coasting trade between the islands aforesaid and any other portion of the United States, shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts. See Act April 29, 1902, p. 256.

# QUARANTINE AND PUBLIC HEALTH

Apr. 30, 1900, sec. 97 (48 U. S. C. 508). Quarantine stations shall be established at such places in the Territory of Hawaii as the Surgeon General of the Public Health Service of the United States shall direct, and the quarantine regulations for said islands relating to the importation of diseases from other countries shall be under the control of the Government of the United States. The quarantine station and grounds at the harbor of Honolulu, together with all the public property belonging to that service, shall be transferred to the Public

Health Service of the United States, and said quarantine grounds shall continue to be so used and employed until the station is changed to other grounds which may be selected by order of the Secretary

of the Treasury.

The health laws of the government of Hawaii relating to the harbor of Honolulu and other harbors and inlets from the sea and to the internal control of the health of the islands shall remain in the jurisdiction of the government of the Territory of Hawaii, subject to the quarantine laws and regulations of the United States. (July 1, 1902, sec. 1; Apr. 14, 1912, sec. 1.)

#### FISHERIES

Apr. 30, 1900, sec. 95 (48 U. S. C. 506). All fisheries in the sea waters of the Territory of Hawaii not included in any fishpond or artificial enclosure shall be free to all citizens of the United States, subject, however, to vested rights; but no such vested right shall be valid after April 30, 1903, unless established on petition filed in a circuit court of the Territory of Hawaii before April 30, 1902.

Apr. 30, 1900, sec. 96. (48 U. S. C. 507). If such fishing right was established, the attorney general of the Territory of Hawaii may proceed, in such manner as may be provided by law for the condemnation of property for public use, to condemn such private right of fishing to the use of citizens of the United States upon making just compensation, which compensation, when lawfully ascertained, shall be paid out of any money in the treasury of the Territory of Hawaii not otherwise appropriated.

# WHARVES; HARBORS; PILOTS

Apr. 30, 1900, sec. 75 (48 U. S. C. 540). There shall be a superintendent of public works, who shall have the powers and duties of the superintendent of public works and those of the powers and duties of the minister of the interior which relate to \* \* \* harbor improvements, wharves, landings, \* \* explosives, eminent domain, public works, \* \* buildings, \* \* now under the control and management of the minister of the interior, and those of the powers and duties of the minister of finance and collector general which relate to pilots and harbor masters under the laws of Hawaii, except as changed by this Act and subject to modification by the legislature.

Apr. 30, 1900, sec. 89 (48 U. S. C. 510). Until further provision is made by Congress the wharves and landings constructed or controlled by the Republic of Hawaii on any seacoast, bay, roadstead, or harbor shall remain under the control of the Government of the Territory of Hawaii, which shall receive and enjoy all revenues derived therefrom, on condition that said property shall be kept in good condition for the use and convenience of commerce, but no tolls or charges shall be made by the government of the Territory of Hawaii for the use of any such property by the United States, or by any vessel of war, tug, Coast Guard cutter, or other boat or transport in the service of the United States.

#### SEAMEN'S LAWS

Apr. 30, 1900, sec. 10 (48 U. S. C. 502). No suit or proceedings shall be maintained for the specific performance of any contract entered into for personal labor or service, nor shall any remedy exist or be enforced for breach of any such contract, except in a civil suit or proceeding instituted solely to recover damages for such breach: Provided, That the provisions of this section [48 U. S. C. 501 to 504] shall not modify or change the laws of the United States applicable to merchant seamen.

Puerto Rico.

#### General Provisions

May 17, 1932 (48 U. S. C. 731a). From and after the passage of this resolution the island designated "Porto Rico" in the Act entitled "And Act to provide a civil government for Porto Rico, and for other purposes," approved March 2, 1917, as amended, shall be known and designated as "Puerto Rico." All laws, regulations, and public documents and records of the United States in which such island is designated or referred to under the name of "Porto Rico" shall be held to refer to such island under and by the name of "Puerto Rico."

Apr. 12, 1900, sec. 1 (48 U. S. C. 731). The name Puerto Rico shall include not only the island of that name, but all the adjacent islands belonging to the United States and waters of those islands.

(Mar. 2, 1917, sec. 1; May 17, 1932.)

Apr. 12, 1900, sec. 15 (48 U. S. C. 735). The laws and ordinances of Puerto Rico in force on March 2, 1917, shall continue in force and effect, except as altered, amended, or modified herein, until altered, amended, or repealed by the legislative authority herein provided for Puerto Rico or by Act of Congress of the United States; and such legislative authority shall have power, when not inconsistent with this Act, by due enactment to amend, alter, modify, or repeal any law or ordinance, civil or criminal, continued in force by this Act as it may from time to time see fit. (Mar. 2, 1917, sec. 57; May 17, 1932.)

Apr. 12, 1900, sec. 14 (48 U. S. C. 734). The statutory laws of the United States not locally inapplicable, except as hereinbefore or hereinafter otherwise provided, shall have the same force and effect in Puerto Rico as in the United States, except the internal revenue laws: Provided, however, That all taxes collected under the internal revenue laws of the United States on articles produced in Puerto Rico and transported to the United States, or consumed in the island shall be covered into the treasury of Puerto Rico. (Mar. 2, 1917, sec.

9; May 17, 1932.)

#### COASTING TRADE

Apr. 12, 1900, sec. 9 (48 U. S. C. 744). The coasting trade between Puerto Rico and the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts of the United States. (May 17, 1932.) See Act April 29, 1902, p. 256.

Apr. 12, 1900, sec. 4 (48 U. S. C. 740). \* \* \* The Secretary of the Treasury shall designate the several ports and subports of entry in Puerto Rico and shall make such rules and regulations and appoint such agents as may be necessary to collect the duties and taxes authorized to be levied, collected, and paid in Puerto Rico by the provisions of this Act, and he shall fix the compensation and provide for the payment thereof of all such officers, agents, and assistants as he may find it necessary to employ to carry out the provisions of law. (May 17, 1932.)

# QUARANTINE AND PUBLIC HEALTH

Apr. 12, 1900, sec. 10 (48 U. S. C. 743). Quarantine stations shall be established at such places in Puerto Rico as the Surgeon General of the Public Health Service of the United States shall direct, and the quarantine regulations relating to the importation of diseases from other countries shall be under the control of the Government of the United States. (Aug. 14, 1912; May 17, 1932.)

## HARBORS AND NAVIGABLE WATERS

Apr. 12, 1900, sec. 13 (48 U. S. C. 747). All property which may have been acquired in Puerto Rico by the United States under the cession of Spain in the treaty of peace entered into on the 10th day of December, 1898, in any public bridges, road houses, water powers, highways, unnavigable streams and the beds thereof subterranean waters, mines or minerals under the surface of private lands, all property which at the time of the cession belonged, under the laws of Spain then in force, to the various harbor-works boards of Puerto Rico, all the harbor shores, docks, slips, reclaimed lands, and all public lands and buildings, not prior to March 2, 1917, reserved by the United States for public purposes, is hereby placed under the control of the government of Puerto Rico to be administered for the benefit of the people of Puerto Rico; and the Legislature of Puerto Rico shall have authority, subject to the limitations imposed upon all its acts, to legislate with respect to all such matters as it may deem advisable: Provided, That the President may from time to time, in his discretion, convey to the people of Puerto Rico such lands, buildings, or interests in lands or other property now owned by the United States and within the territorial limits of Puerto Rico as in his opinion are no longer needed for purposes of the United States. And he may from time to time accept by legislative grant from Puerto Rico any lands, buildings, or other interests or property which may be needed for public purposes by the United Tates. (Mar. 2, 1917, sec. 7; May 17, 1932.) MAR. 2, 1917, sec. 8 (48 U. S. C. 749.)

Mar. 2, 1917, sec. 8 (48 U. S. C. 749.) The harbor areas and navigable streams and bodies of water and submerged lands underlying the same in and around the island of Puerto Rico and the adjacent islands and waters, owned by the United States on March 2, 1917, and not reserved by the United States for public purposes, be, and the same are hereby, placed under the control of the government of Puerto Rico, to be administered in the same manner and subject to the same limitations as the property enumerated in the preceding

section: Provided, That all laws of the United States for the protection and improvement of the navigable waters of the United States and the preservation of the interests of navigation and commerce, except so far as the same may be locally inapplicable, shall apply to said island and waters and to its adjacent islands and waters: Provided further, That nothing in this Act contained shall be construed so as to affect or impair in any manner the terms or conditions of any authorizations, permits, or other powers heretofore lawfully granted or exercised in or in respect of said waters and submerged lands in and surrounding said island and its adjacent islands by the Secretary of War or other authorized officer or agent of the United States: And provided further, That the Act of Congress approved June 11. 1906, entitled "An Act to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas in navigable streams and bodies of water in or surrounding Puerto Rico and the islands adjacent thereto," and all other laws and parts of laws in conflict with this section be, and the same are hereby, repealed. (May 17, 1932.)

Virgin Islands.

#### TARIFF AND TAX PROVISIONS

Mar. 3, 1917, sec. 3 (48 U. S. C. 1394). There shall be levied, collected, and paid upon all articles coming into the United States or its possessions, from the Virgin Islands, the rates of duty and internal-revenue taxes which are required to be levied, collected, and paid upon like articles imported from foreign countries: Provided, That all articles, the growth or product of, or manufactured in such islands from materials the growth or product of such islands or of the United States, or of both, or which do not contain foreign materials to the value of more than 20 per centum of their total value, upon which no drawback of customs duties has been allowed therein, coming into the United States from such islands shall

hereafter be admitted free of duty.

Mar. 3, 1917, sec. 4 (48 U. S. C. 1395). Until Congress shall otherwise provide all laws now imposing taxes in the said West Indian Islands, including the customs laws and regulations, shall, insofar as compatible with the changed sovereignty and not otherwise herein provided, continue in force and effect, except that articles the growth, product, or manufacture of the United States shall be admitted there free of duty: Provided, That upon exportation of sugar to any foreign country, or the shipment thereof to the United States or any of its possessions, there shall be levied, collected, and paid thereon an export duty of \$6 per ton of two thousand pounds, irrespective of polariscope test, in lieu of any export tax now required by law: Provided further, That the internal revenue taxes levied by the Colonial Council of Saint Croix, or by the Colonial Council of Saint Thomas and Saint John, in pursuance of the authority granted by this Act on articles, goods, wares, or merchandise may be levied and collected as the Colonial Council of Saint Croix, or as the Colonial Council of Saint Thomas and Saint John, may direct, on the articles subject to said tax, as soon as the same are

manufactured, sold, used, or brought into the island: And provided further, That no discrimination be made between the articles imported from the United States or foreign countries and similar articles produced or manufactured in the municipality of Saint Croix or in the municipality of Saint Thomas and Saint John, respectively. The officials of the Customs and Postal Services of the United States are hereby directed to assist the appropriate officials of the municipality of Saint Croix, or of the municipality of Saint Thomas and Saint John, in the collection of these taxes. (Feb. 25, 1927, sec. 5; June 24, 1932.)

Feb. 24, 1919, sec. 1304 (26 U. S. C. 1470, 1471). There shall be levied, collected, and paid in the United States, upon articles coming into the United States from the Virgin Islands, a tax equal to the internal-revenue tax imposed in the United States upon like articles of domestic manufacture; such articles shipped from said islands to the United States shall be exempt from the payment of any tax imposed by the internal-revenue laws of said islands: Provided, That there shall be levied, collected, and paid in such islands, upon articles imported from the United States, a tax equal to the internal-revenue tax imposed in said islands upon like articles there manufactured; and such articles going into such islands from the United States shall be exempt from payment of any tax imposed by the internal-revenue laws of the United States.

Philippine Islands.

### TREATY OF PEACE

Aug. 29, 1916, sec. 1 (48 U. S. C. 1001). The provisions of this Act and the name "The Philippines" as used in this Act shall apply to and include the Philippine Islands ceded to the United States Government by the treaty of peace concluded between the United States and Spain on April 11, 1899, the boundaries of which are set forth in Article III of said treaty, together with those islands, embraced in the treaty between Spain and the United States concluded at Washington on November 7, 1900.

Aug. 29, 1916, sec. 6 (48 U. S. C. 1004). The laws in force in the Philippines on August 29, 1916, shall continue in force and effect, except as altered, amended, or modified herein, until altered, amended, or repealed by the legislative authority herein provided or by Act

of Congress of the United States.

Aug. 29, 1916, sec. 7 (48 U. S. C. 1005). The legislative authority herein provided shall have power, when not inconsistent with this Act, by due enactment to amend, alter, modify, or repeal any law, civil or criminal, continued in force by this Act as it may from time to time see fit.

# Duties and Taxes; Philippine Fund

Mar. 8, 1902, sec. 4. The duties and taxes collected in the Philippine Archipelago in pursuance of this Act, and all duties and taxes collected in the United States upon articles coming from the Philippine Archipelago and upon foreign vessels coming therefrom, shall not be covered into the general fund of the Treasury of the United

States, but shall be held as a separate fund and paid into the treasury of the Philippine Islands, to be used and expended for the government and benefit of said islands.

## VESSELS AND COASTING TRADE

Apr. 29, 1908, sec. 1 (48 U. S. C. 1015). Until Congress shall have authorized the registry as vessels of the United States of vessels owned in the Philippine Islands, the government of the Commonwealth of the Philippine Islands is authorized to adopt, from time to time, and enforce regulations governing the transportation of merchandise and passengers between ports or places in the Philippine Archipelago. (Mar. 24, 1934.)

Apr. 29, 1908, sec. 2 (46 U. S. C. 127). The same tonnage taxes shall be levied, collected, and paid upon all foreign vessels coming into the United States from the Philippine Islands which are required by law to be levied, collected, and paid upon vessels coming

into the United States from foreign countries.

Apr. 29, 1908, sec. 3 (48 U. S. C. 1017). The provisions of law restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from one port of the United States to another port of the United States shall not be applicable to foreign vessels engaging in trade between the Philippine Islands and the United States.

Apr. 29, 1908, sec. 4 (48 U. S. C. 1016). The Philippine Legislature shall be authorized and empowered to issue licenses to engage in lighterage or other exclusively harbor business to vessels or other craft actually engaged in such business on April 29, 1908, and to vessels or other craft built in the Philippine Islands or in the United States and owned by citizens of the United States or by inhabitants

of the Philippine Islands. (Aug. 29, 1916, sec. 22).

Apr. 29, 1908, sec. 5 (48 U. S. C. 1014). Such of the navigation laws of the United States as are in force in the Philippine Islands in regard to vessels arriving in the Philippine Islands from the mainland territory and other insular possessions of the United States shall continue to be administered by the proper officials of the government of the Commonwealth of the Philippine Islands. (Mar. 24,

*1934*.)

July 1, 1902, sec. 84 (48 U. S. C. 1011). The laws relating to entry, clearance, and manifests of steamships and other vessels arriving from or going to foreign ports shall apply to voyages each way between the Philippine Islands and the United States and the possessions thereof, and all laws relating to the collection and protection of customs duties not inconsistent with the Act of Congress of March 8, 1902, shall apply in the case of vessels and goods arriving from said islands in the United States and its aforesaid possessions.

The laws relating to seamen on foreign voyages shall apply to seamen on vessels going from the United States and its possessions aforesaid to said islands, the customs officers there being for this

purpose substituted for consular officers in foreign ports.

The provisions of chapters 6 and 7 [R. S. 4252-4292], Title 48, Revised Statutes [Chaps. 6, 7, 8, and 9—U. S. C. title 46], so far as

now in force, and any amendments thereof, shall apply to vessels making voyages either way between ports of the United States or its aforesaid possessions and ports in said islands; and the provisions of law relating to the public health and quarantine shall apply in the case of all vessels entering a port of the United States or its aforesaid possessions from said islands, where the customs officers at the port of departure shall perform the duties required by such law of consular officers in foreign ports.

#### AIDS TO NAVIGATION AND COMMERCE

July 1, 1902, sec. 11 (48 U. S. C. 1018). The government of the Commonwealth of the Philippine Islands is hereby authorized to provide for the needs of commerce by improving the harbors and navigable waters of said islands and to construct and maintain in said navigable waters and upon the shore adjacent thereto bonded warehouses, wharves, piers, lighthouses, signal and life-saving stations, buoys, and like instruments of commerce, and to adopt and enforce regulations in regard thereto, including bonded warehouses wherein articles not intended to be imported into said islands nor mingled with the property therein, but brought into a port of said islands for reshipment to another country, may be deposited in bond and reshipped to another country without the payment of customs duties or charges. (Mar. 24, 1934.) See Act June 18, 1934, p. 340.

## Chapter XVII.—PASSENGER ACT OF 1882

Accommodations for Steerage Passengers.

Aug. 2, 1882, sec. 1 (46 U. S. C. 151). It shall not be lawful for the master of any vessel whereon steerage passengers have been taken at any port or place in a foreign country or dominion (ports and places in foreign territory contiguous to the United States excepted) to bring such vessel and passengers to or take from any port or place in the United States unless the compartments, spaces, and accommodations hereinafter mentioned have been provided, allotted, maintained, and used for and by such passengers during the entire voyage, unobstructed by cargo, stores, or goods. of a vessel coming to a port or place in the United States in violation of any of the provisions of this section shall be deemed guilty of a misdemeanor; and if the number of steerage passengers carried or brought in the vessel, or in any compartment, space, poop, or deck house hereof, is greater than the number allowed to be carried or brought therein, respectively, as hereinafter prescribed, the said master shall be fined \$50 for each and every such passenger in excess of the proper number, and may also be imprisoned not exceeding six months.

In computing the number of passengers carried or brought in any vessel, children under one year of age shall not be included, and two children between one and eight years of age shall be counted as one passenger; and any person brought in such vessel who shall have been, during the voyage, taken from any other vessel wrecked or in distress on the high seas, or have been picked up at sea from any boat, raft, or otherwise, shall not be included in such computation.

Second. The expression "steerage passenger" means all passengers except cabin passengers, and persons shall not be deemed cabin passengers unless the space allotted to their exclusive use is in the proportion of at least thirty-six clear superficial feet to each

passenger.

Third. The expression "lowest passenger deck" means the deck next below the water line; and the expression "passenger deck" includes every deck or portion of a deck which is above the lowest passenger deck, and is appropriated for passengers.

Fourth. A vessel shall not carry passengers, whether cabin or

steerage passengers, on more than one deck below the water line.

Fifth. The height between that part of any deck on which steerage passengers are carried and the deck immediately above it shall not

be less than six feet.

Sixth. No steerage passengers shall be carried on the lowest passenger deck unless it is efficiently lighted by side scuttles and otherwise to the satisfaction of the inspector.

Seventh. No greater number of steerage passengers shall be carried on the lowest passenger deck than in the proportion of one steerage passenger to every twenty-one clear superficial feet allotted to their use. If, however, the height between the lowest passenger deck and the deck immediately above it is less than seven feet, and the apertures, exclusive of side scuttles, through which light and air are admitted are less in size than in the proportion of three square feet to every one hundred superficial feet of that deck, no greater number of steerage passengers shall be carried on that deck than in the proportion of one steerage passenger to every thirty clear superficial feet thereof, subject to the allowance for measurement of public rooms. lavatories, and bath rooms, if any, provided for by paragraph ten.

Eighth. No greater number of steerage passengers may be carried on a passenger deck than in the proportion of one steerage passenger to every eighteen clear superficial feet of deck allotted to their use, subject to the allowance for measurement of public rooms, lavatories, and bath rooms, if any, provided for by paragraph ten. If, however, the height between any passenger deck and the deck immediately above it be less than seven feet, no greater number of steerage passengers may be carried on that deck than in the proportion of one steerage passenger to every twenty-one clear superficial feet thereof, subject to the allowance for measurement of public rooms, lavatories, and bath rooms, if any, provided for by paragraph ten.

Ninth. A vessel, whatever be the superficial space of the passenger decks and of the lowest passenger deck, shall not carry a greater number of steerage passengers on the whole than in the proportion of one steerage passenger to every five superficial feet of air or promenade space provided on a deck so open as not to be included in the tonnage and approved by the inspector, and this space shall not be counted or included in the area available for any other passengers, or in other areas for steerage passengers prescribed by this section.

Tenth. In the measurement of the passenger decks and of the lowest passenger deck, the space occupied by that part of the personal baggage of the steerage passengers which the inspector permits to be carried there shall be included, and also, on whatever deck located, commodious and suitable dining rooms, lounging rooms, smoking rooms, lavatories, toilet rooms, and bath rooms: *Provided*, That—

(a) The space in any place appropriated to the use of steerage passengers in which they sleep shall not be less than eighteen superficial feet in the case of the lowest passenger deck and fifteen superficial feet in the case of a passenger deck.

ficial feet in the case of a passenger deck.

(b) Each space so included in the measurement must be clearly marked to the satisfaction of the inspector as being exclusively

appropriated for the use of the steerage passengers.

Eleventh. Each separate compartment in which steerage passengers are berthed shall be conspicuously marked, showing the total area of such compartments. (Dec. 19, 1908, sec. 1.)

# Berths for Steerage Passengers.

Aug. 2, 1882, sec. 2 (46 U. S. C. 152). In every such steamship or other vessel there shall be a sufficient number of berths for the proper accommodation as hereinafter provided, of all such passengers. There shall not be on any deck nor in any compartment or space occupied by such passengers more than two tiers of berths. The berths shall be properly constructed, and be separated from each

other by partitions, as berths ordinarily are separated, and each berth shall be at least two feet in width and six feet in length; and the interval between the floor or lowest part of the lower tier of berths and the deck beneath them shall not be less than six inches, nor the interval between each tier of berths, and the interval between the uppermost tier and the deck above it, less than two feet, six inches; and each berth shall be occupied by not more than one passenger over eight years of age; but double berths of twice the above-mentioned width may be provided, each double berth to be occupied by no more and by none other than two women, or by one woman and two children under the age of eight years, or by husband and wife, or by a man and two of his own children under the age of eight years, or by two men personally acquainted with each other. All the male passengers upwards of fourteen years of age who do not occupy berths with their wives shall be berthed in the fore part of the vessel, in a compartment divided off from the space or spaces appropriated to the other passengers by a substantial and well-secured bulkhead; and unmarried female passengers shall be berthed in a compartment separated from the spaces occupied by other passengers by a substantial and well-constructed bulkhead, the opening or communication from which to an adjoining passenger space shall be so constructed that it can be closed and secured. Families, however, shall not be separated except with their consent. Each berth shall be numbered serially, on the outside berth board, according to the number of passengers that may lawfully occupy the berth; and the berths occupied by such passengers shall not be removed or taken down until the expiration of twelve hours from the time of entry, unless previously inspected within a shorter period. For any violation of either of the provisions of this section the master of the vessel shall be liable to a fine of \$5 for each passenger carried or brought on the vessel.

Light, Air, and Accommodations for Steerage Passengers.

Aug. 2, 1882, sec. 3 (46 U.S.C. 153). Every such steamship or other vessel shall have adequate provisions for affording light and air to the passenger decks and to the compartments and spaces occupied by such passengers, and with adequate means and appliances for ventilating the said compartments and spaces. To compartments having sufficient space for fifty or more of such passengers at least two ventilators, each not less than twelve inches in diameter, shall be provided, one of which ventilators shall be inserted in the forward part of the compartment, and the other in the after part thereof, and shall be so constructed as to ventilate the compartment; and additional ventilators shall be provided for each compartment in the proportion of two ventilators for each additional fifty of such passengers carried or brought in the compartment. All ventilators shall be carried at least six feet above the uppermost deck of the vessel, and shall be of the most approved form and construction. In any steamship the ventilating appartus provided, or any method of ventilation adopted thereon, which has been approved by the proper emigration officers at the port on place from which said vessel was cleared, shall be deemed a compliance with the foregoing provisions; and in all vessels carrying or bringing such passengers there shall be properly constructed hatchways over the compartments or spaces occupied by such passengers, which hatchway shall be properly covered with houses or booby hatches, and the combings or sills of which shall rise at least six inches above the deck; and there shall be proper companionways or ladders from each hatchway leading to the compartments or spaces occupied by such passengers; and the said companionways or ladders shall be securely constructed. and be provided with handrails or strong rope, and, when the weather will permit, such passengers shall have the use of each hatchway situated over the compartments or spaces appropriated to their use; and every vessel carrying or bringing such passengers shall have a properly located and constructed caboose and cooking range, or other cooking apparatus, the dimensions and capacity of which shall be sufficient to provide for properly cooking and preparing the food of all such passengers. In every vessel carrying or bringing such passengers there shall be at least two water-closets or privies, and an additional water-closet or privy for every one hundred male passengers on board, for the exclusive use of such male passengers, and an additional water-closet or privy for every fifty female passengers on board, for the exclusive use of the female passengers and young children on board. The aforesaid waterclosets and privies shall be properly enclosed and located on each side of the vessel, and shall be separated from passengers' spaces by substantial and properly constructed partitions or bulkheads; and the water-closets and privies shall be kept and maintained in a serviceable and cleanly condition throughout the voyage. For any violation of either of the provisions of this section, or for any neglect to conform to the requirements thereof, the master of the vessel shall be liable to a penalty not exceeding \$250.

# Provisions for Steerage Passengers.

Aug. 2, 1882, sec. 4 (46 U.S.C. 154). An allowance of good, wholesome, and proper food, with a reasonable quantity of fresh provisions, which food shall be equal in value to one and a half navy rations of the United States, and of fresh water, not less than four quarts per day, shall be furnished each of such passengers. Three meals shall be served daily, at regular and stated hours, of which hours sufficient notice shall be given. If any such passengers shall at any time during the voyage be put on short allowance for food and water, the master of the vessel shall pay to each passenger three dollars for each and every day the passenger may have been put on short allowance, except in case of accidents, where the captain is obliged to put the passengers on short allowance. Mothers with infants and young children shall be furnished the necessary quantity of wholesome milk or condensed milk for the sustenance of the latter. Tables and seats shall be provided for the use of passengers at regular meals. And for every willful violation of any of the provisions of this section the master of the vessel shall be deemed guilty of a misdemeanor and shall be fined not more than \$500, and be imprisoned for a term not exceeding six months. The enforcement of this penalty, however, shall not affect the civil responsibility of the master and owners of the vessel to such passengers as may have suffered from any negligence, breach of contract, or default on the part of such master and owners,

Hospitals; Surgeon.1

Aug. 2, 1882, sec. 5 (46 U.S.C. 155). In every such steamship or other vessel there shall be properly built and secured, or divided off from other spaces, two compartments or spaces to be used exclusively as hospitals for such passengers, one for men and the other for women. The hospitals shall be located in a space not below the deck next below the main deck of the vessel. The hospital spaces shall in no case be less than in the proportion of eighteen clear superficial feet for every fifty such passengers who are carried or brought on the vessel, and such hospitals shall be supplied with proper beds, bedding, and utensils, and be kept so supplied throughout the voy-And every steamship or other vessel carrying or bringing emigrant passengers, or passengers other than cabin passengers, exceeding fifty in number, shall carry a duly qualified and competent surgeon or medical practitioner, who shall be rated as such in the ship's articles, and who shall be provided with surgical instruments, medical comforts, and medicines proper and necessary for diseases and accidents incident to sea voyages, and for the proper medical treatment of such passengers during the voyage, and with such articles of food and nourishment as may be proper and necessary for preserving the health of infants and young children; and the services of such surgeon or medical practitioner shall be promptly given, in any case of sickness or disease, to any of the passengers, or to any infant or young child of any such passengers, who may need his services. For a violation of either of the provisions of this section the master of the vessel shall be liable to a penalty not exceeding \$250.

Discipline and Cleanliness.1

Aug. 2, 1882, sec. 6 (46 U. S. C. 156). The master of every such steamship or other vessel is authorized to maintain good discipline and such habits of cleanliness among such passengers as will tend to the preservation and promotion of health, and to that end he shall cause such regulations as he may adopt for such purpose to be posted up on board the vessel, in a place or places accessible to such passengers, and shall keep the same so posted up during the voyage. The said master shall cause the compartments and spaces provided for, or occupied by, such passengers to be kept at all times in a clean and healthy condition, and to be, as often as may be necessary, disinfected with chloride of lime, or by some other equally efficient disinfectant. Whenever the state of the weather will permit, such passengers and their bedding shall be mustered on deck, and a clear and sufficient space on the main or any upper deck of the vessel shall be set apart, and so kept, for the use and exercise of such passengers during the voyage. For each neglect or violation of any of the provisions of this section the master of the vessel shall be liable to a penalty not exceeding \$250.

Privacy of Steerage Passengers; Penalty for Violating.

Aug. 2, 1882, sec. 7 (46 U. S. C. 157). Neither the officers, seamen, nor other persons employed on any such steamship or other vessel shall visit or frequent any part of the vessel provided or assigned to the use of such passengers, except by the direction or permission of the master of such vessel first made or given for such purpose; and every officer, seaman, or other person employed on board of

<sup>&</sup>lt;sup>1</sup> Applicable only to vessels carrying steerage passengers,

such vessel who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and may be fined not exceeding \$100, and be imprisoned not exceeding twenty days, for each violation; and the master of such vessel who directs or permits any officer, seaman, or other person employed on board the vessel to visit or frequent any part of the vessel provided for or assigned to the use of such passengers, or the compartments or spaces occupied by such passengers, except for the purpose of doing or performing some necessary act or duty as an officer, seaman, or other person employed on board of the vessel, shall be deemed guilty of a misdemeanor, and may be fined not more than \$100 for each time he directs or permits the provisions of this section to be violated. A copy of this section, written or printed in the language or principal languages of the passengers on board, shall, by or under the direction of the master of the vessel, be posted in a conspicuous place on the forecastle and in the several parts of the vessel provided and assigned for the use of such passengers, and in each compartment or space occupied by such passengers, and the same shall be kept so posted during the voyage; and if the said master neglects so to do, he shall be deemed guilty of a misdemeanor, and shall be fined not more than \$100.

## Carrying Explosives; Dangerous Articles; Animals.2

Aug. 2, 1882, sec. 8 (46 U. S. C. 171). It shall not be lawful to take, carry, or have on board of any such steamship or other vessel any nitroglycerine, dynamite, or any other explosive article or compound, nor any vitriol or like acids, nor gunpowder, except for the ship's use, nor any article or number of articles, whether as a cargo or ballast, which, by reason of the nature or quantity or mode of storage thereof, shall, either singly or collectively, be likely to endanger the health or lives of the passengers or the safety of the vessel; and horses, cattle, or other animals taken on board of or brought in any such vessel shall not be carried on any deck below the deck on which passengers are berthed, nor in any compartment in which passengers are berthed, nor in any adjoining compartment except in a vessel built of iron, and of which the compartments are divided off by water-tight bulkheads extending to the upper deck. For every violation of any of the provisions of this section the master of the vessel shall be deemed guilty of a misdemeanor, and shall be fined not exceeding \$1,000, and be imprisoned for a period not exceeding one year.

# Boarding Vessel; Passenger List.2

Aug. 2, 1882, sec. 9 (46 U. S. C. 158). It shall not be lawful for the master of any such steamship or other vessel, not in distress, after the arrival of the vessel within any collection district of the United States, to allow any person or persons except a pilot, officer of the customs, or health officer, agents of the vessel, and consuls, to come on board of the vessel, or to leave the vessel, until the vessel has been taken in charge by an officer of the customs, nor, after charge so taken, without leave of such officer, until all the passengers, with their baggage, have been duly landed from the vessel; and on the arrival of any such steamship or other vessel within any collection district of the United States, the master shall submit for in-

<sup>&</sup>lt;sup>2</sup> Applicable only to vessels carrying steerage passengers.

spection to the officer of customs who first makes demand therefor, and shall subsequently deliver with his manifest of cargo on entry, a correct list, signed and verified on oath by the master, of all passengers taken on board the vessel at any foreign port or place, specifying, in the manner to be prescribed from time to time by the Secretary of Commerce, the name of each passenger, age (if a child of eight years or under), sex, married or single, location of compartment or space occupied during the voyage (if the passenger be other than a cabin passenger), whether a citizen of the United States, number of pieces of baggage, and if any passenger die on the voyage the list shall specify the name, age, and cause of death of each deceased passenger. For a violation of either of the provisions of this section, or for permitting or neglecting to prevent a violation thereof, the master of the vessel shall be liable to a fine not exceeding \$1,000. (Feb. 9, 1905, sec. 1; Mar. 4, 1913.)

### Death of Steerage Passenger.

Aug. 2, 1882, sec. 10 (46 U. S. C. 159). In case there shall have occurred on board any such steamship or other vessel any death among such passengers during the voyage, the master or consignees of the vessel shall, within forty-eight hours after the arrival of the vessel within a collection district of the United States, or within twenty-four hours after the entry of the vessel, pay to the collector of customs of such district the sum of \$10 for each and every such passenger above the age of eight years who shall have died on the voyage by natural disease; and the master or consignees of any vessel who neglect or refuse to pay such collector, within the times hereinbefore prescribed, the sums of money aforesaid, shall be liable to a penalty of \$50 in addition to the sum required to be paid as aforesaid for each passenger whose death occurred on the voyage. All sums of money paid to any collector under the provisions of this section shall be by him paid into the Treasury of the United States in such manner and under such regulations as shall be prescribed by the Secretary of Commerce.

# Inspection and Examination of Vessels.<sup>8</sup>

Aug. 2, 1882, sec. 11 (46 U. S. C. 160). The collector of customs of the collection district within which, or the surveyor of the port at which, any such steamship or other vessel arrives, shall direct an inspector or other officer of the customs to make an examination of the vessel, and to admeasure the compartments or spaces occupied by the emigrant passengers, or passengers other than cabin passengers, during the voyage; and such measurement shall be made in the manner provided by law for admeasuring vessels for tonnage; and to compare the number of such passengers found on board with the list of such passengers furnished by the master to the customs officer; and the said inspector or other officer shall make a report to the aforesaid collector or surveyor, stating the port of departure, the time of sailing, the length of the voyage, the ventilation, the number of such passengers on board the vessel, and their native country, respectively; the cubic quantity of each compartment or space; and the number of berths and passengers in each space, the kind and quality of the food furnished to such passengers on the voyage:

<sup>3</sup> Applicable only to vessels carrying steerage passengers.

the number of deaths, and the age and sex of those who died during the voyage, and of what disease; and in case there was any unusual sickness or mortality during the voyage, to report whether the same was caused by any neglect or violation of the provisions of this Act, or by the want of proper care against disease by the master or owners of the vessel; and the said reports shall be forwarded to the Secretary of Commerce at such times and in such manner as he shall direct.

Penalties; Withholding Clearance; Fine and Imprisonment.4 Aug. 2, 1882, sec. 12 (46 U. S. C. 161). The provisions of this Act shall apply to every steamship or other vessel whereon emigrant passengers, or passengers other than cabin passengers, are taken on board at a port or place in the United States for conveyance to any port or place in a foreign country except foreign territory contiguous to the United States, and shall also apply to any vessel whereon such passengers are taken on board at any port or place of the United States on the Atlantic Ocean or its tributaries for conveyance to a port or place on the Pacific Ocean or its tributaries, or vice versa; and whether the voyage of such vessel is to be continuous from port to port or such passengers are to be conveyed from port to port in part by the way of any overland route through Mexico or Central America; and the said collector of customs may direct an examination of the vessel to be made by an inspector or other officer of the customs, who shall make the examination and report whether the provisions of this Act have been complied with in respect to such vessel, and the said collector is authorized to withhold the clearance of such vessel until the coming in of such report; and if the said report shall show that any of the provisions of this Act have not been complied with, the collector is authorized and directed to withhold the clearance of such vessel until the said provisions are complied with; and if any such vessel leaves the aforesaid port or place without having been duly cleared by the collector of customs, the master shall be deemed guilty of a misdemeanor, and may be fined not exceeding \$1,000, and be imprisoned not exceeding one year, and the vessel shall be liable to seizure and forfeiture.

Aug. 2, 1882, sec. 13 (46 U. S. C. 162). The amount of the several fines and penalties imposed by any section of this Act upon the master of any steamship or other vessel carrying or bringing emigrant passengers, or passengers other than cabin passengers, for any violation of the provisions of this Act, shall be liens upon such vessel, and such vessel may be libeled therefor in any district court of the United States where such vessel shall arrive or depart.

<sup>4</sup> Applicable only to vessels carrying steerage passengers.

# Chapter XVIII.—CATTLE, LIVESTOCK, LIVE POULTRY, AND DAIRY TRADE

Regulation of Cattle Ships.

Mar. 3, 1891, sec. 1 (45 U. S. C. 75). The Secretary of Agriculture is hereby authorized to examine all vessels which are to carry export cattle, horses, mules, asses, sheep, goats, or swine from the ports of the United States to foreign countries, and to prescribe by rules and regulations or orders the accommodations which said vessels shall provide for export cattle, horses, mules, asses, sheep, goats, or swine as to space, ventilation, fittings, food and water supply, and such other requirements as he may decide to be necessary for the safe and proper transportation and humane treatment of such animals. (May 28, 1928.)

## VIOLATION OF RULES; PENALTY

Mar. 3, 1891, sec. 2 (45 U. S. C. 76). Whenever the owner, owners, or master of any vessel carrying export cattle, horses, mules, asses, sheep, goats, or swine shall willfully violate or cause or permit to be violated any rule, regulation, or order made pursuant to the foregoing section the vessel in respect of which such violation shall occur may be prohibited from again carrying cattle, horses, mules, asses, sheep, goats, or swine from any port of the United States for such length of time, not exceeding one year, as the Secretary of Agriculture may direct, and such vessel shall be refused clearance from any port of the United States accordingly. (May 28, 1928.)

Inspection of Livestock and Meat Products.

Mar. 4, 1907 (21 U. S. C. 78). No person, firm, or corporation shall transport or offer for transportation, and no carrier of interstate or foreign commerce shall transport or receive for transportation from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to any place under the jurisdiction of the United States, or to any foreign country, any carcasses or parts thereof, meat, or meat food products thereof which have not been inspected, examined, and marked as "Inspected and passed," in accordance with the terms of this Act and with the rules and regulations prescribed by the Secretary of Agriculture.

Forgery, Alteration, or Unauthorized Use of Marks, Labels, or Other Identification Devices or Certificates.

Mar. 4, 1907 (21 U. S. C. 79). No person, firm, or corporation, or officer, agent, or employee thereof, shall forge, counterfeit, simulate, or falsely represent, or shall without proper authority use, fail to use, or detach, or shall knowingly or wrongfully alter, deface, or destroy, or fail to deface or destroy, any of the marks, stamps, tags, labels, or other identification devices provided for in this Act, or

in and as directed by the rules and regulations prescribed hereunder by the Secretary of Agriculture, on any carcasses, parts of carcasses, or the food product, or containers thereof, subject to the provisions of this Act, or any certificate in relation thereto, authorized or required by this Act or by the said rules and regulations of the Secretary of Agriculture.

Inspection of Animals for Export.

Mar. 4, 1907 (21 U. S. C. 80). The Secretary of Agriculture shall cause to be made a careful inspection of all cattle, sheep, swine, and goats intended and offered for export to foreign countries at such times and places, and in such manner as he may deem proper, to ascertain whether such cattle, sheep, swine, and goats are free from disease.

Inspectors of Animals for Export; Certificates of Condition.

Mar. 4, 1907 (21 U. S. C. 81). For this purpose he may appoint inspectors who shall be authorized to give an official certificate clearly stating the condition in which such cattle, sheep, swine, and goats are found.

No Clearance to Vessel Carrying Cattle for Export Without Inspector's Certificate.

Mar. 4, 1907 (21 U. S. C. 82). No clearance shall be given to any vessel having on board cattle, sheep, swine, or goats for export to a foreign country until the owner or shipper of such cattle, sheep, swine, or goats has a certificate from the inspector herein authorized to be appointed, stating that the said cattle, sheep, swine, or goats are sound and healthy, or unless the Secretary of Agriculture shall have waived the requirement of such certificate for export to the particular country to which such cattle, sheep, swine, or goats are to be exported.

Inspection of Carcasses, Meat of Which is Intended for Export.

MAR. 4, 1907 (21 U. S. C. 83). The Secretary of Agriculture shall also cause to be made a careful inspection of the carcasses and parts thereof of all cattle, sheep, swine, and goats, the meat of which, fresh, salted, canned, corned, packed, cured, or otherwise prepared, is intended and offered for export to any foreign country, at such times and places and in such manner as he may deem proper.

Inspectors of Carcasses, etc., Meat of Which is Intended for Export; Certificates of Condition.

Mar. 4, 1907 (21 U. S. C. 84). For this purpose he may appoint inspectors who shall be authorized to give an official certificate stating the condition in which said cattle, sheep, swine, or goats, and the meat thereof, are found.

No Clearance to Vessel Carrying Meat for Export Without Inspector's Certificate.

Mar. 4, 1907 (21 U. S. C. 85). No clearance shall be given to any vessel having on board any fresh, salted, canned, corned, or packed beef, mutton, pork, or goat meat, being the meat of animals killed except as hereinbefore provided for export to and sale in a foreign country from any port in the United States, until the owner or shipper thereof shall obtain from an inspector appointed under the provisions

of this Act a certificate that the said cattle, sheep, swine, and goats were sound and healthy at the time of inspection, and that their meat is sound and wholesome, unless the Secretary of Agriculture shall have waived the requirements of such certificate for the country to which said cattle, sheep, swine, and goats or meats are to be exported.

Delivery of Inspectors' Certificates, and of Copies.

Mar. 4, 1907 (21 U. S. C. 86). The inspectors provided for herein shall be authorized to give official certificates of the sound and wholesome condition of the cattle, sheep, swine, and goats, their carcasses and products as herein described; and one copy of every certificate granted under the provisions of this Act shall be filed in the Department of Agriculture, another copy shall be delivered to the owner or shipper, and when the cattle, sheep, swine, and goats or their carcasses and products are sent abroad, a third copy shall be delivered to the chief officer of the vessel on which the shipment shall be made.

Transportation or Sale of Meat or Meat Food Products Without Complying with Provisions of Inspection Law.

Mar. 4, 1907 (21 U. S. C. 87). No person, firm, or corporation engaged in the interstate commerce of meat or meat food products shall transport or offer for transportation, sell or offer to sell any such meat or meat food products in any State or Territory or in the District of Columbia or any place under the jurisdiction of the United States, other than in the State or Territory or in the District of Columbia or any place under the jurisdiction of the United States in which the slaughtering, packing, canning, rendering, or other similar establishment owned, leased, or operated by said firm, person, or corporation is located unless and until said person, firm, or corporation shall have complied with all of the provisions of this Act.

Offenses; Penalty.

Mar. 4, 1907 (21 U. S. C. 88). Any person, firm, or corporation, or any officer or agent of any such person, firm, or corporation, who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor and shall be punished on conviction thereof by a fine of not exceeding ten thousand dollars or imprisonment for a period of not more than two years, or by both such fine and imprisonment, in the discretion of the court.

Inspection of Animals Imported or Intended for Export.

Aug. 30, 1890, sec. 10 (21 U. S. C. 105). \* \* The Secretary of Agriculture may cause inspection to be made of all animals described in this Act intended for exportation, and provide for the disinfection of all vessels engaged in the transportation thereof, and of all barges or other vessels used in the conveyance of such animals intended for export to the ocean steamer or other vessels, and of all attendants and their clothing, and of all headropes and other appliances used in such exportation, by such orders and regulations as he may prescribe; and if, upon such inspection, any such animals shall be adjudged, under the regulations of the Secretary of Agriculture, to be infected or to have been exposed to infection so as to be dangerous to other animals, they shall not be allowed to be placed upon any vessel for exportation; the expense of all the inspection and disinfection pro-

vided for in this section to be borne by the owners of the vessels on which such animals are exported.

Transportation of Livestock and Live Poultry.

Mar. 3, 1905, sec. 2 (21 U. S. C. 124). No railroad company or the owners or masters of any steam or sailing or other vessel or boat shall receive for transportation or transport from any quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, any cattle or other livestock and/or live poultry, except as hereinafter provided; nor shall any person, company, or corporation deliver for such transportation to any railroad company, or to the master or owner of any boat or vessel, any cattle or other livestock and/or live poultry, except as hereinafter provided; nor shall any person, company, or corporation drive on foot, or cause to be driven on foot, or transport in private conveyance or cause to be transported in private conveyance, from a quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, any cattle or other livestock and/or live poultry, except as hereinafter provided. (Feb. 7,

MAR. 3, 1905, sec. 6 (21 U. S. C. 127). Any person, company, or corporation violating the provisions of section two of this Act shall be guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment not more than one year, or by both such fine and

imprisonment.

## Chapter XIX.—OCEAN MAIL SERVICE

Marine Mail Service.

R. S. 3969 (39 U. S. C. 487). The Postmaster General may cause the mail to be carried in any steamboat or other vessel used as a packet on any of the waters of the United States.

### Delivery of Letters by Master of Vessel

R. S. 3977 (18 U. S. C. 323). The master or other person having charge or control of any steamboat or other vessel passing between ports or places in the United States, arriving at any such port or place where there is a post office, shall deliver to the postmaster or at the post office within three hours after his arrival, if in the day-time, and if at night, within two hours after the next sunrise, all letters and packages brought by him or within his power or control and not relating to the cargo, addressed to or destined for such port or place, for which he shall receive from the postmaster 2 cents for each letter or package so delivered, unless the same is carried under a contract for carrying the mail; and for every failure so to deliver such letters or packages, the master or other person having charge or control of such steamboat or other vessel, shall be fined not more than \$150. (Mar. 4, 1909, sec. 200.)

### MAIL CARRYING BY VESSELS NOT IN

R. S. 3978 (39 U. S. C. 494). The Postmaster General may pay, to the master or owner of any vessel not regularly employed in carrying the mail, 2 cents for each letter carried by such vessel between ports or places in the United States, or from any foreign port to any port in the United States; but all such letters shall be deposited in the post office at the port of arrival.

#### CARRYING FOREIGN LETTERS

R. S. 3987 (39 U. S. C. 496). No vessel departing from the United States for any foreign port shall receive on board or convey any letter or packet originating in the United States which has not been regularly received from the post office at the port of departure, and which does not relate to the cargo of such vessel, except as provided in section 3993; and every collector, or other officer of the port empowered to grant clearances, shall require from the master of such vessel, as a condition of clearance, an oath that he has not received on board, has not under his care or control, and will not receive or convey any letter or packet contrary to the provisions of this section.

#### Letters Carried out of Mail.

R. S. 3993 (39 U. S. C. 500). All letters inclosed in stamped envelopes, if the postage stamp is of a denomination sufficient to cover the postage that would be chargeable thereon if the same were sent by mail, may be sent, conveyed, and delivered otherwise than by mail, provided such envelope shall be duly directed and properly sealed, so that the letter cannot be taken therefrom without defacing the envelope, and the date of the letter or of the transmission or receipt thereof shall be written or stamped upon the envelope. But the Postmaster General may suspend the operation of this section upon any mail route where the public interest may require such suspension. (June 29, 1938.)

## Carrying Letters out of the Mail On Vessels.

R. S. 3986 (18 U. S. C. 308). Whoever shall carry any letter or packet on board any vessel which carries the mail, otherwise than in such mail, except as otherwise provided by law, shall be fined not more than \$50, or imprisoned not more than one month, or both. (Mar. 4, 1909, sec. 185.)

## Vessels to Deliver Letters at Post Office Before Entry; Oath; Failure.

- R. S. 3988 (18 U. S. C. 327). No vessel arriving within a port or collection district of the United States shall be allowed to make entry or break bulk until all letters on board are delivered to the nearest post office, and the master or other person having charge or control thereof has signed and sworn to the following declaration before the collector or other proper customs officer:
- I, A. B., master ——, of the ——, arriving from ——, and now lying in the port of ——, do solemnly swear (or affirm) that I have to the best of my knowledge and belief delivered to the post office at —— every letter and every bag, packet, or parcel of letters which was on board the said vessel during her last voyage, or which were in my possession or under my power or control.

And any master or other person having charge or control of such vessel who shall break bulk before he has delivered such letters shall be fined not more than \$100. (Mar. 4, 1909, sec. 204.)

# Searching Vessels for Letters.

R. S. 3989 (39 U. S. C. 497). Any post-office inspector, when instructed by the Postmaster General to make examinations and seizures, and the collector or other customs officers of any port, without special instructions, shall carefully search all vessels for letters which may be on board or which have been conveyed contrary to law. (June 11, 1880, sec. 1.)

# Seizing and Detaining Letters.

R. S. 3990 (39 U. S. C. 498). Any post-office inspector, collector, or other customs officer, or United States marshal or his deputy, may at all times seize all letters and bags, packets or parcels, containing letters which are being carried contrary to law on board any vessel or on any post route, and convey the same to the nearest post office, or may, by the direction of the Postmaster General or Secretary of the Treasury, detain them until two months after the final determination of all suits and proceedings which may, at any time within six months after such seizure, be brought against any person for sending or carrying such letters. (June 11, 1880, sec. 1.)

#### DISPOSITION OF SEIZURES

R. S. 3991 (39 U. S. C. 499). Every package or parcel seized by any post-office inspector, collector, or other customs officer, or United States marshal or his deputies, in which any letter is unlawfully concealed, shall be forfeited to the United States, and the same proceedings may be had to enforce the forfeiture as are authorized in respect to goods, wares, and merchandise forfeited for violation of the revenue laws; and all laws for the benefit and protection of customs officers making seizures for violating the revenue laws shall apply to officers making seizures for violating the postal laws. (June 11, 1880, sec. 1.)

Foreign Mail-Transportation Contracts.

R. S. 4006 (39 U. S. C. 651). The Postmaster General, after advertising for proposals, may enter into contracts or make suitable arrangements for transporting the mail through any foreign country, between any two points in the United States, and such transportation shall be by the speediest, safest, and most economical route; and all contracts therefor may be revoked whenever any new road or canal shall be opened affording a speedier, more economical, and equally safe transportation between the same points; but in case of the revocation of any such contract, a fair indemnity shall be awarded to the contractor.

# FOR CARRYING MAILS BETWEEN THE UNITED STATES AND FOREIGN COUNTRIES

R. S. 4007 (39 U. S. C. 652). The Postmaster General may, after advertising for proposals, enter into contract for the transportation of the mail between the United States and any foreign country whenever the public interests will thereby be promoted.

# How Mail Transported.

R. S. 4008 (39 U. S. C. 653). The mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, shall be transported in steamships; but the Postmaster General may have such transportation performed by sailing vessels when the service can be facilitated thereby.

Pay for Transporting.

R. S. 4009 (39 U. S. C. 654). (a) Except as provided in subdivision (b), for transportation of the mails, (1) between the United States or its Territories or possessions and any foreign country, (2) between the United States and its possessions or its naval or military forces abroad, or (3) between any such possession or naval or military forces and any other such possession or naval or military forces, the Postmaster General may allow, in the case of a vessel of the United States, compensation not in excess of 80 cents a pound for letters and post cards and 8 cents a pound for other articles (including parcel post), and in the case of a foreign vessel, compensation not in excess of the sea transit rates prescribed from time to time by the Universal Postal Union Convention: Provided, That nothing herein shall limit the authority of the Postmaster General to enter into contracts for the transportation of mails under the provisions of the Merchant Marine Act of 1928 at the rates of compensation therein authorized.

(b) The provisions of subdivision (a) of this section shall not limit the compensation for transportation of mail which the Postmaster General may pay under contracts entered into in accordance with the provisions of section 4007 of the Revised Statutes or section 24 of the Merchant Marine Act, 1920, or Title IV of the Merchant

Marine Act, 1928.

(c) In the case of mails transported between the United States or its Territories or possessions and any foreign country and in the case of mails transported between the United States and its possessions or its naval or military forces abroad, or between any such possession or naval or military forces and any other such possession or naval or military forces, payment for such transportation shall be made out of the appropriation for the transportation of foreign mails. (July 3, 1926; May 22, 1928, sec. 414e; Feb. 14, 1929.)

#### Penalties.

R. S. 4010 (39 U. S. C. 655). The Postmaster General may impose or remit fines on contractors or carriers transporting the mails by air or water on routes extending beyond the borders of the United States for any unreasonable or unnecessary delay to such mails and for other delinquencies in the transportation of the mails. (Jan. 31, 1931.)

## Discontinuing Transportation Contracts.

R. S. 4011 (39 U. S. C. 656). Every contract for transporting the mail between the United States and any foreign country shall contain, besides the usual stipulation for the right of the Postmaster General to discontinue the same, the further stipulation that it may be terminated by Congress.

# Transportation of Canadian Mail Through the United States.

R. S. 4012 (39 U. S. C. 669). The Postmaster General may, by and with the advice and consent of the President, make any arrangements which may be deemed just and expedient for allowing the mails of Canada, or any other country adjoining the United States, to be transported over the territory of the United States from one point in such country to any other point in the same, at the expense of the country to which the mail belongs, upon obtaining a like privilege for the transportation of the United States mail through the country to which the privilege is granted; but such privilege may at any time be annulled by the President or Congress from and after one month succeeding the day on which notice of the act of the President or Congress is given to the chief executive or head of the post-office department of the country whose privilege is to be annulled.

# Postage on Letters Carried in Foreign Vessel.

R. S. 4015 (39 U. S. C. 671). The Postmaster General, under the direction of the President of the United States, is authorized and empowered to charge upon, and collect from, all letters and other mailable matter carried to or from any port of the United States, in any foreign packet ship or other vessel, the same rate or rates of charge for American postage which the government to which such foreign packet or other vessel belongs imposes upon letters and other mailable matter conveyed to or from such foreign country in American packets or other vessels as the postage of such government, and at any time to revoke the same; and all customhouse officers and

other United States agents designated or appointed for that purpose shall enforce or carry into effect the foregoing provision, and aid or assist in the collection of such postage, and to that end it shall be lawful for such officers and agents, on suspicion of fraud, to open and examine, in the presence of two or more respectable persons, being citizens of the United States, any package or packages supposed to contain mailable matter found on board such packets or other vessels or elsewhere, and to prevent, if necessary, such packets or other vessels from entering, breaking bulk, or making clearance until such letters or other mailable matter are duly delivered into the United States post office.

## Chapter XX.—LIABILITY OF SHIPPERS

Bills of Lading Subject to Act.

Apr. 16, 1936 (46 U. S. C. 1300). Every bill of lading or similar document of title which is evidence of a contract for the carriage of goods by sea to or from ports of the United States, in foreign trade, shall have effect subject to the provisions of this Act.

#### Definitions.

Apr. 16, 1936, sec. 1 (46 U. S. C. 1301). When used in this Act—

(a) The term "carrier" includes the owner or the charterer who

enters into a contract of carriage with a shipper.

(b) The term "contract of carriage" applies only to contracts of carriage covered by a bill of lading or any similar document of title, insofar as such document relates to the carriage of goods by sea, including any bill of lading or any similar document as aforesaid issued under or pursuant to a charter party from the moment at which such bill of lading or similar document of title regulates the relations between a carrier and a holder of the same.

relations between a carrier and a holder of the same.

(c) The term "goods" includes goods, wares, merchandise, and articles of every kind whatsoever, except live animals and cargo which by the contract of carriage is stated as being carried on deck

and is so carried.

(d) The term "ship" means any vessel used for the carriage of

goods by sea.

(e) The term "carriage of goods" covers the period from the time when the goods are loaded on to the time when they are discharged from the ship.

# Duties and Rights of Carrier.

Apr. 16, 1936, sec. 2 (46 U. S. C. 1302.) Subject to the provisions of section 6, under every contract of carriage of goods by sea, the carrier in relation to the loading, handling, stowage, carriage, custody, care, and discharge of such goods, shall be subject to the responsibilities and liabilities and entitled to the rights and immunities hereinafter set forth.

# RESPONSIBILITIES AND LIABILITIES OF CARRIER AND SHIP

Apr. 16, 1936, sec. 3 (46 U. S. C. 1303). (1) The carrier shall be bound, before and at the beginning of the voyage, to exercise due diligence to—

(a) Make the ship seaworthy;

(b) Properly man, equip, and supply the ship;

(c) Make the holds, refrigerating and cooling chambers, and all other parts of the ship in which goods are carried, fit and safe for their reception, carriage, and preservation.

(2) The carrier shall properly and carefully load, handle, stow,

carry, keep, care for, and discharge the goods carried.

(3) After receiving the goods into his charge the carrier, or the master or agent of the carrier, shall, on demand of the shipper, issue

to the shipper a bill of lading showing among other things-

(a) The leading marks necessary for identification of the goods as the same are furnished in writing by the shipper before the loading of such goods starts, provided such marks are stamped or otherwise shown clearly upon the goods if uncovered, or on the cases or coverings in which such goods are contained, in such a manner as should ordinarily remain legible until the end of the voyage.

(b) Either the number of packages or pieces, or the quantity or weight, as the case may be, as furnished in writing by the shipper.

(c) The apparent order and condition of the goods: Provided, That no carrier, master, or agent of the carrier, shall be bound to state or show in the bill of lading any marks, number, quantity, or weight which he has reasonable ground for suspecting not accurately to represent the goods actually received, or which he has had no reason-

able means of checking.

(4) Such a bill of lading shall be prima facie evidence of the receipt by the carrier of the goods as therein described in accordance with paragraphs (3) (a), (b), and (c), of this section: *Provided*, That nothing in this act shall be construed as repealing or limiting the application of any part of the act, as amended, entitled "An act relating to bills of lading in interstate and foreign commerce", approved August 29, 1916 (U. S. C., title 49, secs. 81–124), commonly known as the "Pomerene Bills of Lading Act."

(5) The shipper shall be deemed to have guaranteed to the carrier the accuracy at the time of shipment of the marks, number, quantity, and weight, as furnished by him; and the shipper shall indemnify the carrier against all loss, damages, and expenses arising or resulting from inaccuracies in such particulars. The right of the carrier to such indemnity shall in no way limit his responsibility and liability under the contract of carriage to any person other than the shipper.

(6) Unless notice of loss or damage and the general nature of such loss or damage be given in writing to the carrier or his agent at the port of discharge before or at the time of the removal of the goods into the custody of the person entitled to delivery thereof under the contract of carriage, such removal shall be prima facie evidence of the delivery by the carrier of the goods as described in the bill of lading. If the loss or damage is not apparent, the notice must be given within three days of the delivery.

Said notice of loss or damage may be endorsed upon the receipt for

the goods given by the person taking delivery thereof.

The notice in writing need not be given if the state of the goods has at the time of their receipt been the subject of joint survey or

inspection.

In any event the carrier and the ship shall be discharged from all liability in respect of loss or damage unless suit is brought within one year after delivery of the goods or the date when the goods should have been delivered: *Provided*, That if a notice of loss or damage, either apparent or concealed, is not given as provided for in this section, that fact shall not affect or prejudice the right of the shipper to bring suit within one year after the delivery of the goods or the date when the goods should have been delivered.

In the case of any actual or apprehended loss or damage the carrier and the receiver shall give all reasonable facilities to each other

for inspecting and tallying the goods.

(7) After the goods are loaded the bill of lading to be issued by the carrier, master, or agent of the carrier to the shipper shall, if the shipper so demands, be a "shipped" bill of lading: Provided, That if the shipper shall have previously taken up any document of title to such goods, he shall surrender the same as against the issue of the "shipped" bill of lading, but at the option of the carrier such document of title may be noted at the port of shipment by the carrier, master, or agent with the name or names of the ship or ships upon which the goods have been shipped and the date or dates of shipment, and when so noted the same shall for the purpose of this section be deemed to constitute a "shipped" bill of lading.

(8) Any clause, covenant, or agreement in a contract of carriage relieving the carrier or the ship from liability for loss or damage to or in connection with the goods, arising from negligence, fault, or failure in the duties and obligations provided in this section, or lessening such liability otherwise than as provided in this act, shall be null and void and of no effect. A benefit of insurance in favor of the carrier, or similar clause, shall be deemed to be a clause relieving

the carrier from liability.

#### RIGHTS AND IMMUNITIES

Apr. 16, 1936, sec. 4 (46 U. S. C. 1304). (1) Neither the carrier nor the ship shall be liable for loss or damage arising or resulting from unseaworthiness unless caused by want of due diligence on the part of the carrier to make the ship seaworthy, and to secure that the ship is properly manned, equipped, and supplied, and to make the holds, refrigerating and cool chambers, and all other parts of the ship in which goods are carried fit and safe for their reception, carriage, and preservation in accordance with the provisions of paragraph (1) of section 3. Whenever loss or damage has resulted from unseaworthiness, the burden of proving the exercise of due diligence shall be on the carrier or other persons claiming exemption under this section.

(2) Neither the carrier nor the ship shall be responsible for loss

or damage arising or resulting from-

(a) Act, neglect, or default of the master, mariner, pilot, or the servants of the carrier in the navigation or in the management of the ship;

(b) Fire, unless caused by the actual fault or privity of the carrier;

- (c) Perils, dangers, and accidents of the sea or other navigable waters;
  - (d) Act of God;

(e) Act of war;

(f) Act of public enemies;

(g) Arrest or restraint of princes, rulers, or people, or seizure under legal process:

(h) Quarantine restrictions;

(i) Act or omission of the shipper or owner of the goods, his agent or répresentative;

(j) Strikes or lockouts or stoppage or restraint of labor from whatever cause, whether partial or general: Provided, That nothing herein contained shall be construed to relieve a carrier from responsibility for the carrier's own acts;

(k) Riots and civil commotions;

(1) Saving or attempting to save life or property at sea;

(m) Wastage in bulk or weight or any other loss or damage arising from inherent defect, quality, or vice of the goods;

(n) Insufficiency of packing;

(o) Insufficiency or inadequacy of marks;

(p) Latent defects not discoverable by due diligence; and

(q) Any other cause arising without the actual fault and privity of the carrier and without the fault or neglect of the agents or servants of the carrier, but the burden of proof shall be on the person claiming the benefit of this exception to show that neither the actual fault or privity of the carrier nor the fault or neglect of the agents or servants of the carrier contributed to the loss or damage.

(3) The shipper shall not be responsible for loss or damage sustained by the carrier or the ship arising or resulting from any cause without the act, fault, or neglect of the shipper, his agents, or his

servants

(4) Any deviation in saving or attempting to save life or property at sea, or any reasonable deviation shall not be deemed to be an infringement or breach of this act or of the contract of carriage, and the carrier shall not be liable for any loss or damage resulting therefrom: *Provided*, however, That if the deviation is for the purpose of loading or unloading cargo or passengers it shall, prima facie, be

regarded as unreasonable.

(5) Neither the carrier nor the ship shall in any event be or become liable for any loss or damage to or in connection with the transportation of goods in an amount exceeding \$500 per package lawful money of the United States, or in case of goods not shipped in packages, per customary freight unit, or the equivalent of that sum in other currency, unless the nature and value of such goods have been declared by the shipper before shipment and inserted in the bill of lading. This declaration, if embodied in the bill of lading, shall be prima facie evidence, but shall not be conclusive on the carrier.

By agreement between the carrier, master, or agent of the carrier and the shipper another maximum amount than that mentioned in this paragraph may be fixed: *Provided*, That such maximum shall not be less than the figure above named. In no event shall the carrier be liable for more than the amount of damage actually sustained.

Neither the carrier nor the ship shall be responsible in any event for loss or damage to or in connection with the transportation of the goods if the nature or value thereof has been knowingly and fraudu-

lently misstated by the shipper in the bill of lading.

(6) Goods of an inflammable, explosive, or dangerous nature to the shipment whereof the carrier, master or agent of the carrier has not consented with knowledge of their nature and character may at any time before discharge be landed at any place or destroyed or rendered innocuous by the carrier without compensation, and the shipper of such goods shall be liable for all damages and expenses directly or indirectly arising out of or resulting from such shipment. If any such goods shipped with such knowledge and consent shall become a danger to the ship or cargo, they may in like manner be

landed at any place or destroyed or rendered innocuous by the carrier without liability on the part of the carrier except to general average, if any.

# SURRENDER OF RIGHTS AND IMMUNITIES AND INCREASE OF RESPONSIBILITIES AND LIABILITIES

Apr. 16, 1936, sec. 5 (46 U. S. C. 1305). A carrier shall be at liberty to surrender in whole or in part all or any of his rights and immunities or to increase any of his responsibilities and liabilities under this act, provided such surrender or increase shall be embodied

in the bill of lading issued to the shipper.

The provisions of this act shall not be applicable to charter parties; but if bills of lading are issued in the case of a ship under a charter party, they shall comply with the terms of this act. Nothing in this act shall be held to prevent the insertion in a bill of lading of any lawful provision regarding general average.

#### SPECIAL CONDITIONS

Apr. 16, 1936, sec. 6 (46 U. S. C. 1306). Notwithstanding the provisions of the preceding sections, a carrier, master or agent of the carrier and a shipper shall, in regard to any particular goods be at liberty to enter into any agreement in any terms as to the responsibility and liability of the carrier for such goods, and as to the rights and immunities of the carrier in respect of such goods, or his obligation as to seaworthiness (so far as the stipulation regarding seaworthiness is not contrary to public policy), or the care or diligence of his servants or agents in regard to the loading, handling, stowage, carriage, custody, care, and discharge of the goods carried by sea: Provided, That in this case no bill of lading has been or shall be issued and that the terms agreed shall be embodied in a receipt which shall be a nonnegotiable document and shall be marked as such.

Any agreement so entered into shall have full legal effect: Provided, That this section shall not apply to ordinary commercial shipments made in the ordinary course of trade but only to other shipments where the character or condition of the property to be carried or the circumstances, terms, and conditions under which the carriage is to be performed are such as reasonably to justify a special agree-

ment.

# AGREEMENT AS TO LIABILITY PRIOR TO LOADING OR AFTER DISCHARGE

Apr. 16, 1936, sec. 7 (46 U.S. C. 1307). Nothing contained in this act shall prevent a carrier or a shipper from entering into any agreement, stipulation, condition, reservation, or exemption as to the responsibility and liability of the carrier or the ship for the loss or damage to or in connection with the custody and care and handling of goods prior to the loading on and subsequent to the discharge from the ship on which the goods are carried by sea.

### RIGHTS AND LIABILITIES UNDER OTHER ENACTMENT

Apr. 16, 1936, sec. 8 (46 U.S. C. 1308). The provisions of this act shall not affect the rights and obligations of the carrier under the

provisions of the Shipping Act, 1916, or under the provisions of sections 2481 to 4289, inclusive, of the Revised Statutes of the United States, or of any amendments thereto; or under the provisions of any other enactment for the time being in force relating to the limitation of the liability of the owners of seagoing vessels.

Discrimination Between Competing Shippers.

Apr. 16, 1936, sec. 9 (46 U. S. C. 1309). Nothing contained in this act shall be construed as permitting a common carrier by water to discriminate between competing shippers similarly placed in time and circumstances, either (a) with respect to their right to demand and receive bills of lading subject to the provisions of this act; or (b) when issuing such bills of lading, either in the surrender of any of the carrier's rights and immunities or in the increase of any of the carrier's responsibilities and liabilities pursuant to section 5, title I, of this act; or (c) in any other way prohibited by the Shipping Act, 1916, as amended.

## Weight of Bulk Cargo.

Apr. 16, 1936, sec. 11 (46 U. S. C. 1310). Where under the customs of any trade the weight of any bulk cargo inserted in the bill of lading is a weight ascertained or accepted by a third party other than the carrier or the shipper, and the fact that the weight is so ascertained or accepted is stated in the bill of lading, then, notwithstanding anything in this act, the bill of lading shall not be deemed to be prima facie evidence against the carrier of the receipt of goods of the weight so inserted in the bill of lading, and the accuracy thereof at the time of shipment shall not be deemed to have been guaranteed by the shipper.

# Liabilities Before Loading and After Discharge; Effect on Other Laws.

Apr. 16, 1936, sec. 12 (46 U. S. C. 1311). Nothing in this act shall be construed as superseding any part of the act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property", approved February 13, 1893, or of any other law which would be applicable in the absence of this act, insofar as they relate to the duties, responsibilities, and liabilities of the ship or carrier prior to the time when the goods are loaded on or after the time they are discharged from the ship.

Scope of Act; "United States"; "Foreign Trade."

Apr. 16, 1936, sec. 13 (46 U.S. C. 1312). This Act shall apply to all contracts for carriage of goods by sea to or from ports of the United States in foreign trade. As used in this act the term "United States" includes its districts, territories, and possessions: Provided, however, That the Philippine Legislature may by law exclude its application to transportation to or from ports of the Philippine Islands. The term "foreign trade" means the transportation of goods between the ports of the United States and ports of foreign countries. Nothing in this act shall be held to apply to contracts for carriage of goods by sea between any port of the United States or its possessions, and any other port of the United States or its possessions: Provided, however, That any bill of lading or similar document of title which is evidence of a contract for the carriage of

goods by sea between such ports, containing an express statement that it shall be subject to the provisions of this act, shall be subjected hereto as fully as if subject hereto by the express provisions of this act: Provided further, That every bill of lading or similar document of title which is evidence of a contract for the carriage of goods by sea from ports of the United States, in foreign trade, shall contain a statement that it shall have effect subject to the provisions of this act.

Suspension of Provisions by President.

Apr. 16, 1936, sec. 14 (46 U. S. C. 1313). Upon the certification of the Secretary of Commerce that the foreign commerce of the United States in its competition with that of foreign nations is prejudiced by the provisions, or any of them, of title I of this act, or by the laws of any foreign country or countries relating to the carriage of goods by sea, the President of the United States may, from time to time, by proclamation suspend any or all provisions of title I of this act for such periods of time or indefinitely as may be designated in the proclamation. The President may at any time rescind such suspension of title I hereof, and any provisions thereof which may have been suspended shall thereby be reinstated and again apply to contracts thereafter made for the carriage of goods by sea. Any proclamation of suspension or rescission of any such suspension shall take effect on a date named therein, which date shall be not less than ten days from the issue of the proclamation.

Any contract for the carriage of goods by sea, subject to the provisions of this act, effective during any period when title I hereof, or any part thereof, is suspended, shall be subject to all provisions of law now or hereafter applicable to that part of title I which may

have thus been suspended.

Effective Date; Retroactive Effect.

Apr. 16, 1936, sec. 15 (46 U. S. C. 1314). This act shall take effect ninety days after the date of its approval; but nothing in this act shall apply during a period not to exceed one year following its approval to any contract for the carriage of goods by sea, made before the date on which this act is approved, nor to any bill of lading or similar document of title issued, whether before or after such date of approval in pursuance of any such contract as aforesaid.

Short Title.

Apr. 16, 1936, sec. 16 (46 U. S. C. 1315). This act may be cited as the "Carriage of Goods by Sea Act."

Liability of Owners, Masters, and Shippers.

R. S. 4281 (46 U. S. C. 181). If any shipper of platina, gold, gold dust, silver, bullion, or other precious metals, coins, jewelry, bills of any bank or public body, diamonds, or other precious stones, or any gold or silver in a manufactured or unmanufactured state, watches, clocks, or timepieces of any description, trinkets, orders, notes, or securities for payment of money, stamps, maps, writings, title deeds, printings, engravings, pictures, gold or silver plate or plated articles, glass, china, silks in a manufactured or unmanufactured state, and whether wrought up or not wrought up with any other material, furs, or lace, or any of them, contained in any parcel, or package, or trunk, shall lade the same as freight or baggage, on

any vessel, without at the time of such lading giving to the master, clerk, agent, or owner of such vessel receiving the same a written notice of the true character and value thereof, and having the same entered on the bill of lading therefor, the master and owner of such vessel shall not be liable as carriers thereof in any form or manner; nor shall any such master or owner be liable for any such goods beyond the value and according to the character thereof so notified and entered.

## Loss by Fire.

R. S. 4282 (46 U. S. C. 182). No owner of any vessel shall be liable to answer for or make good to any person any loss or damage which may happen to any merchandise whatsoever, which shall be shipped, taken in, or put on board any such vessel, by reason or by means of any fire happening to or on board the vessel, unless such fire is caused by the design or neglect of such owner.

## Amount of Liability; Loss of Life or Bodily Injury.

R. S. 4283 (46 U. S. C. 183). (a) The liability of the owner of any vessel, whether American or foreign, for any embezzlement, loss, or destruction by any person of any property, goods, or merchandise shipped or put on board of such vessel, or for any loss, damage, or injury by collision, or for any act, matter, or thing, loss, damage, or forfeiture, done, occasioned, or incurred, without the privity or knowledge of such owner or owners, shall not, except in the cases provided for in subsection (b) of this section, exceed the amount or value of the interest of such owner in such vessel, and her freight then pending.

(b) In the case of any seagoing vessel, if the amount of the owner's liability as limited under subsection (a) is insufficient to pay all losses in full, and the portion of such amount applicable to the payment of losses in respect of loss of life or bodily injury is less than \$60 per ton of such vessel's tonnage, such portion shall be increased to an amount equal to \$60 per ton, to be available only for the payment of losses in respect of loss of life or bodily injury. If such portion so increased is insufficient to pay such losses in full, they shall be paid

therefrom in proportion to their respective amounts.

(c) For the purposes of this section the tonnage of a seagoing steam or motor vessel shall be her gross tonnage without deduction on account of engine room, and the tonnage of a seagoing sailing vessel shall be her registered tonnage: *Provided*, That there shall not be included in such tonnage any space occupied by seamen or apprentices and appropriated to their use.

(d) The owner of any such seagoing vessel shall be liable in respect of loss of life or bodily injury arising on distinct occasions to the same extent as if no other loss of life or bodily injury had arisen.

(e) In respect of loss of life, or bodily injury, the privity or knowledge of the master of a seagoing vessel or of the superintendent or managing agent of the owner thereof, at or prior to the commencement of each voyage, shall be deemed conclusively the privity or knowledge of the owner of such vessel.

(f) As used in subsections (b), (c), (d), and (e) of this section and in section 4283 A [see p. 303], the term "seagoing vessel" shall not

include pleasure yachts, tugs, towboats, towing vessels, tank vessels, fishing vessels or their tenders, self-propelled lighters, nondescript self-propelled vessels, canal boats, scows, car floats, barges, lighters, or nondescript non-self-propelled vessels, even though the same may be seagoing vessels within the meaning of such term as used in section 4289 of this chapter, as amended. (Aug. 29, 1935, sec. 1; June 5, 1936, sec. 1.)

Stipulations Limiting Time for Filing Claims and Commencing Suit.

R. S. 4283 A (46 U S. C. 183b). (a) It shall be unlawful for the manager, agent, master, or owner of any seagoing vessel (other than tugs, barges, fishing vessels and their tenders) transporting passengers or merchandise or property from or between ports of the United States and foreign ports to provide by rule, contract, regulation, or otherwise a shorter period for giving notice of, or filing claims for loss of life or bodily injury, than six months, and for the institution of suits on such claims, than one year, such period for institution of suits to be computed from the day when the death or injury occurred.

(b) Failure to give such notice, where lawfully prescribed in

such contract, shall not bar any such claim-

(1) If the owner or master of the vessel or his agent had knowledge of the injury, damage, or loss and the court determines that the owner has not been prejudiced by the failure to give such notice; nor

(2) If the court excuses such failure on the ground that for

some satisfactory reason such notice could not be given; nor

(3) Unless objection to such failure is raised by the owner.

(c) If a person who is entitled to recover on any such claim is mentally incompetent or a minor, or if the action is one for wrongful death, any lawful limitation of time prescribed in such contract shall not be applicable so long as no legal representative has been appointed for such incompetent, minor, or decedent's estate, but shall be applicable from the date of the appointment of such legal representative: *Provided*, however, That such appointment be made within three years after the date of such death or injury. (Aug. 29, 1935, sec. 3.)

# Stipulations Limiting Liability for Negligence Invalid.

R. S. 4283b (46 U. S. C. 183c). It shall be unlawful for the manager, agent, master, or owner of any vessel transporting passengers between ports of the United States or between any such port and a foreign port to insert in any rule, regulation, contract, or agreement any provision or limitation (1) purporting, in the event of loss of life or bodily injury arising from the negligence or fault of such owner or his servants, to relieve such owner, master, or agent from liability, or from liability beyond any stipulated amount, for such loss or injury, or (2) purporting in such event to lessen, weaken, or avoid the right of any claimant to a trial by court of competent jurisdiction on the question of liability for such loss or injury, or the measure of damages therefor. All such provisions or limitations contained in any such rule, regulation, contract, or agreement are hereby declared to be against public policy and shall be null and void and of no effect. (June 5, 1936, sec. 2.)

Apportionment of Compensation.

R. S. 4284 (46 U. S. C. 184). Whenever any such embezzlement, loss, or destruction is suffered by several freighters or owners of goods, wares, merchandise, or any property whatever, on the same voyage, and the whole value of the vessel, and her freight for the voyage, is not sufficient to make compensation to each of them, they shall receive compensation from the owner of the vessel, in proportion to their respective losses; and for that purpose the freighters and owners of the property, and the owner of the vessel, or any of them, may take the appropriate proceedings in any court, for the purpose of apportioning the sum for which the owner of the vessel may be liable among the parties entitled thereto. (Feb. 27, 1877.)

#### Transfer of Interest of Owner to Trustee.

R. S. 4285 (46 U. S. C. 185). The vessel owner, within six months after a claimant shall have given to or filed with such owner written notice of claim, may petition a district court of the United States of competent jurisdiction for limitation of liability within the provisions of this chapter, as amended, and the owner (a) shall deposit with the court, for the benefit of claimants, a sum equal to the amount or value of the interest of such owner in the vessel and freight, or approved security therefor, and in addition such sums, or approved security therefor, as the court may from time to time fix as necessary to carry out the provisions of section 4283, as amended, or (b) at his option shall transfer, for the benefit of claimants, to a trustee to be appointed by the court his interest in the vessel and freight, together with such sums, or approved security therefor, as the court may from time to time fix as necessary to carry out the provisions of section 4283, as amended. Upon compliance with the requirements of this section all claims and proceedings against the owner with respect to the matter in question shall cease. (June 5, 1936, sec. 3.)

Charterer may be Deemed Owner.

R. S. 4286 (46 U. S. C. 186). The charterer of any vessel, in case he shall man, victual, and navigate such vessel at his own expense or by his own procurement, shall be deemed the owner of such vessel within the meaning of the provisions of this Title [R. S. 4131-4305] relating to the limitation of the liability of the owners of vessels; and such vessel, when so chartered, shall be liable in the same manner as if navigated by the owner thereof.

#### Remedies Reserved.

R. S. 4287 (46 U. S. C. 187). Nothing in the six preceding sections [R. S. 4282–4286] shall be construed to take away or affect the remedy to which any party may be entitled, against the master, officers, or seamen for or on account of any embezzlement, injury, loss, or destruction of merchandise or property put on board any vessel, or on account of any negligence, fraud, or other malversation of such master, officers, or seamen, respectively, nor to lessen or take away any responsibility to which any master or seamen of any vessel may by law be liable, notwithstanding such master or seaman may be an owner or part owner of the vessel.

Shipping Inflammable Materials.

R. S. 4288 (46 U. S. C. 175). Any person shipping oil of vitriol, unslacked lime, inflammable matches, or gunpowder, in a vessel taking

cargo for divers persons on freight, without delivering, at the time of shipment, a note in writing, expressing the nature and character of such merchandise, to the master, mate, officer, or person in charge of the lading of the vessel, shall be liable to the United States in a penalty of \$1,000. But this section shall not apply to any vessel of any description whatsoever used in rivers or inland navigation. See Act Aug. 26, 1935, p. 47.

Limitation of Liability of Owners of Vessels for Debts.

June 26, 1884, sec. 18 (46 U. S. C. 189). The individual liability of a shipowner shall be limited to the proportion of any or all debts and liabilities that his individual share of the vessel bears to the whole; and the aggregate liabilities of all the owners of a vessel on account of the same shall not exceed the value of such vessel and freight pending: Provided, That this provision shall not affect the liability of any owner incurred previous to the passage of this act, nor prevent any claimant from joining all the owners in one action; nor shall the same apply to wages due to persons employed by said shipowners.

Vessels to Which Limitation of Owners Liability Applies.

R. S. 4289 (46 U. S. C. 188). Except as otherwise specifically provided therein, the provisions of R. S. 4282, 4283, 4283–A, 4283–B, 4284, 4285, 4286, 4287, 4288, and of section 18 of the act entitled "An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade and for other purposes", approved June 26, 1884 (23 Stat. 57; U. S. C., 1934 ed., title 46, sec. 189), shall apply to all seagoing vessels, and also to all vessels used on lakes or rivers or in inland navigation, including canal boats, barges, and lighters. (June 5, 1936, sec. 4.)

# Harter Act.

Feb. 13, 1893, sec. 1 (46 U.S. C. 190). It shall not be lawful for the manager, agent, master, or owner of any vessel transporting merchandise or property from or between ports of the United States and foreign ports to insert in any bill of lading or shipping document any clause, covenant, or agreement whereby it, he, or they shall be relieved from liability for loss or damage arising from negligence, fault, or failure in proper loading, stowage, custody, care, or proper delivery of any and all lawful merchandise or property committed to its or their charge. Any and all words or clauses of such import inserted in bills of lading or shipping receipts shall be null and void and of no effect.

# STIPULATIONS RELIEVING FROM EXERCISE OF DUE DILIGENCE IN EQUIPPING VESSELS

FEB. 13, 1893, sec. 2 (46 U.S.C. 191). It shall not be lawful for any vessel transporting merchandise or property from or between ports of the United States of America and foreign ports, her owner, master, agent, or manager, to insert in any bill of lading or shipping document any covenant or agreement whereby the obligations of the

owner or owners of said vessel to exercise due diligence, properly equip, man, provision, and outfit said vessel, and to make said vessel seaworthy and capable of performing her intended voyage, or whereby the obligations of the master, officers, agents, or servants to carefully handle and stow her cargo and to care for and properly deliver same, shall in any wise be lessened, weakened, or avoided.

#### LIMITATION OF LIABILITY

Feb. 13, 1893, sec. 3 (46 U. S. C. 192). If the owner of any vessel transporting merchandise or property to or from any port in the United States of America shall exercise due diligence to make the said vessel in all respects seaworthy and properly manned, equipped, and supplied, neither the vessel, her owner or owners, agent, or charterers shall become or be held responsible for damage or loss resulting from faults or errors in navigation or in the management of said vessel nor shall the vessel, her owner or owners, charterers, agent, or master be held liable for losses arising from dangers of the sea or other navigable waters, acts of God, or public enemies, or the inherent defect, quality, or vice of the thing carried, or from insufficiency of package, or seizure under legal process, or for loss resulting from any act or omission of the shipper or owner of the goods, his agent or representative, or from saving or attempting to save life or property at sea, or from any deviation in rendering such service.

# BILLS OF LADING TO BE ISSUED; CONTENTS

Feb. 13, 1893, sec. 4 (46 U.S. C. 193). It shall be the duty of the owner or owners, masters, or agent or any vessel transporting merchandise or property from or between ports of the United States and foreign ports to issue to shippers of any lawful merchandise a bill of lading, or shipping documents, stating, among other things, the marks necessary for identification, number of packages, or quantity, stating whether it be carrier's or shipper's weight, and apparent order or condition of such merchandise or property delivered to and received by the owner, master, or agent of the vessel for transportation, and such document shall be prima facie evidence of the receipt of the merchandise therein described.

# Penalties; Liens; Recovery

Feb. 13, 1893, sec. 5 (46 U.S.C. 194). For a violation of any of the provisions of this Act the agent, owner, or master of the vessel guilty of such violation, and who refuses to issue on demand the bill of lading herein provided for, shall be liable to a fine not exceeding \$2,000. The amount of the fine and costs for such violation shall be a lien upon the vessel, whose agent, owner, or master is guilty of such violation, and such vessel may be libeled therefor in any district court of the United States, within whose jurisdiction the vessel may be found. One-half of such penalty shall go to the party injured by such violation and the remainder to the Government of the United States.

## LIMITATIONS

Feb. 13, 1893, sec. 6. This Act shall not be held to modify or repeal sections 4281, 4282, and 4283 of the Revised Statutes of the United States, or any other statute defining the liability of vessels, their owners, or representatives.

# CERTAIN PROVISIONS INAPPLICABLE TO TRANSPORTATION OF LIVE ANIMALS

FEB. 13, 1893, sec. 7 (46 U.S. C. 195). Sections 1 and 4 of this Act shall not apply to the transportation of live animals.

#### General Libel Bond.

R. S. 941 (28 U.S.C. 754). When a warrant of arrest or other process in rem is issued in any cause of admiralty jurisdiction, except in cases of seizures for forfeiture under any law of the United States, the marshal shall stay the execution of such process, or discharge the property arrested if the process has been levied, on receiving from the claimant of the property a bond or stipulation in double the amount claimed by the libelant, with sufficient surety, to be approved by the judge of the court where the cause is pending, or, in his absence, by the collector of the port, conditioned to answer the decree of the court, in such cause. Such bond or stipulation shall be returned to the court, and judgment thereon, against both the principal and sureties, may be recovered at the time of rendering the decree in the original cause. And the owner of any vessel may cause to be executed and delivered to the marshal a bond or stipulation, with sufficient surety, to be approved by the judge of the court in which he is marshal, conditioned to answer the decree of said court in all or any cases that shall thereafter be brought in said court against the said vessel, and thereupon the execution of all such process against said vessel shall be stayed so long as the amount secured by such bond or stipulation shall be at least double the aggregate amount claimed by the libelants in such suits which shall be begun and pending against said vessel; and like judgments and remedies may be had on said bond or stipulation as if a special bond or stipulation had been filed in each of said suits. The court may make such orders as may be necessary to carry this section into effect, and especially for the giving of proper notice of any such suit. Such bond or stipulation shall be indorsed by the clerk with a minute of the suits wherein process is so stayed, and further security may at any time be required by the court. If a special bond or stipulation in the particular cause shall be given under this section, the liability as to said cause on the general bond or stipulation shall cease: Provided, That the parties may stipulate the amount of the bond or stipulation for the release of a vessel or other property on libel in admiralty to be not more than the amount claimed in the libel, with interest, plus an allowance for libelant's costs: Provided further, That in the event of the inability or refusal of the parties to so stipulate the amount of the bond, the court shall fix the amount thereof, but if not so fixed then a bond shall be required in the amount hereinbefore prescribed in this section. (Mar. 3, 1899; Aug. 3, 1935, sec. 3.)

# Chapter XXI —CUSTOMS DISTRICTS, THEIR LIMITS, AND PORTS OF ENTRY

The port first named in the following list is the headquarters port for the district:

Dis- trict No.	Name of district	Limits of district	Ports of entry
1	Maine and New Hampshire.	The State of Maine and the State of New Hampshire except the County of Coos.	Portland, Maine. Bangor. Bar Harbor (including Mt. Desert Island, the city of Ellsworth, and the townships of Hancock, Sullivan, Sorrento, Gouldsboro, and Winter Harbor). Bath (including Boothbay and Wiscasset). Belfast (including Searsport). Beridgewater. Calais (including townships of Calais, Robbinston and Baring). Eastport (including Lubec and Cutler). Fort Fairfield. Fort Kent. Holeb-Jackman. Houlton. Jonesport. Limestone. Madawaska. Portsmouth, N. H. (including Kittery, Me.) Rockland. Van Buren.
2	Vermont	The State of Vermont and the county of Coos in the State of New Hampshire.	Vanceboro. St. Albans (including townships of St. Albans and Swanton). Alburg. Beecher Falls. Burlington. Derby Line. Highgate Springs (including township of Highgate). Island Pond. Newport. North Troy.
4	Massachusetts	The State of Massachusetts	Richford.  Boston (Including Cambridge, Chelsea, Medford, Everett, Quincy, Somerville, Braintree, Weymouth, and Hingham, and waters adjacent thereto).  Fall River.  Gloucester.  Lawrence.  New Bedford.  Plymouth.  Provincetown.  Salem (Including Beverly, Marsons)
			blehead, and Lynn). Springfield. Worcester.
5	Rhode Island	The State of Rhode Island	Providence. Newport.
6	Connecticut	The State of Connecticut	Newport. Bridgeport. Hartford. New Haven. New London.

Dis- trict No.	Name of district	Limits of district	Ports of entry
7	St. Lawrence	The counties of Clinton, Essex, Franklin, St. Lawrence, Jefferson, and Lewis in the State of New York.	Ogdensburg, N. Y. Alexandria Bay. Cape Vincent. Champlain. Chateaugay. Clayton. Fort Covington. Malone. Mooers. Morristown. Rooseveltown. Rouses Point.
8	Rochester	The counties of Oswego, Oneida, Onon- daga, Cayuga, Seneca, Wayne, Broome, Tompkins, Chenango, Madison, Cort- land, Hamilton, Schuyler, Chemung, Herkimer, Monroe, Ontario, Livings- ton, Yates, Steuben, Orleans, Genesee, Wyoming, Allegany, and Tioga in the State of New York.	Waddington. Rochester. Oswego. Sodus Point. Syraeuse. Utica.
9	Buffalo	The counties of Niagara, Erie, Cattaraugus, and Chautauqua in the State of New York.	Buffalo (including Lackawanna, Tonawanda, North Tonawanda, and east bank of Niagara River between Buffalo and Tona- wanda). Dunkirk. Niagara Falls (including Lewis- ton).
10	New York	That part of the State of New York not expressly included in the districts of Buf- falo, Rochester, and St. Lawrence, and also the counties of Sussex, Passaic, Hud- son, Bergen, Essex, Union, Middlesex, and Monmouth in the State of New Levens.	New York, N. Y. (including territory described in Exec. Order of April 15, 1925, T. D. 40809). Albany, N. Y. Newark, N. J. Perth Amboy, N. J.
11	Philadelphia	Jersey. That part of the State of Pennsylvania lying east of 79° west longitude, the State of Delaware, and that part of the State of New Jersey not included in district 10 (New York).	Philadelphia, Pa. (including Camden and Gloucester City, N. J., and territory described in Exec. Order of March 15, 1938, T. D. 49472). Chester, Pa. Lewes, Del. Willey the Pal
12	Pittsburgh	The State of West Virginia and that part of the State of Pennsylvania lying west of 79° west longitude, except the county of Erie.	Wilmington, Del. Pittsburgh, Pa.
13	Maryland	The State of Maryland and the District of Columbia.	Baltimore, Md. (including Sparrows Point). Annapolis. Cambridge. Crisfield. Washington, D. C.
14	Virginia	The State of Virginia	Norfolk and Newport News (including the waters and shores of Hampton Roads).  Alexandria. Cape Charles City. Petersburg. Reedville. Richmond.
15	North Carolina	The State of North Carolina	Wilmington (including Townships of Northwest, Wilmington, and Cape Fear). Beaufort. Durham. Elizabeth City. Gastonia. Morehead City. Reidsville. Winston-Salem.
16	South Carolina	The State of South Carolina	Charleston. Georgetown.
17	Georgia	The State of Georgia except the north shore of the St. Marys River and the city of St. Marys, Ga.	Savannah. Atlanta. Brunswick.

Dis- trict No.	Name of district	Limits of district	Ports of entry
18	Florida	The State of Florida and the north bank of the St. Marys River and the city of St. Marys, Ga.	Tampa (including Port Tampa). Apalachicola. Bocagrande. Carrabelle. Fernandina (including St. Marys, Ga.). Jacksonville. Key West. Miami. Panama City. Pensacola. Port Everglades. Port St. Joe. St. Augustine. St. Petersburg.
19	Mobile	The State of Alabama and that part of the State of Mississippi lying south of 31° north latitude.	West Palm Beach. Mobile, Ala. Birmingham, Ala. Gulfport, Miss.
20	New Orleans	The State of Louisiana except the counties of Cameron and Calcasieu, and that part of the State of Mississippi lying north of	Pascagoula, Miss. New Orleans, La. (including territory described in Exec. Order of May 29, 1929; T. D. 43443).
21	Sabine	31° north lattude. That part of the State of Texas from Sabine Pass north along State line to north boundary line of Shelby County; west to Neches River; down western shore of sald river to north boundary of Jefferson County; westerly along sald boundary to east boundary of Liberty County; south to Gulf. Also, the counties of Cameron and Caleasieu in the State of Louisiana.	Baton Rouge, La. Port Arthur, Tex. Beaumont, Tex. Lake Charles, La. Orange, Tex. Sabine, Tex.
22	Galveston	The State of Texas, except districts of Sabine, Loredo, and El Paso.	Galveston (including Port Bolivar and Texas City). Dallas. Freeport. Houston. Corpus Christi.
23	Laredo`	That part of the State of Texas lying west of 97° west longitude and east of the Pecos River, except those portions of the counties of Dallas, Aransas and Refugio lying west of 97° west longitude and the counties of Tarrant, San Patricio, and Nueces.	Laredo. Brownsville. Del Rio. Eagle Pass. San Antonio. Hidalgo. Rio Grande City.
24	El Paso	The State of New Mexico and that part of the State of Texas lying west of the Pecos River.	Roma, El Paso, Tex. Columbus, N. Mex. Fabens, Tex. Presidio, Tex. Ysleta, Tex.
25	San Dlego	The counties of San Diego and Imperial in the State of California.	Ysleta, Tex. San Diego. Andrade. Calexico. San Ysidro. Tecate.
26	Arizona	The State of Arizona	Nogales. Ajo. Douglas. Naco. San Luis. Sasabe.
27	Los Angeles	That part of the State of California lying south of the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernardino, except the counties of	Los Angeles (including San Pedro, Wilmington, and Long Beach). Port San Luis.
28	San Francisco	San Diego and Imperial. That part of the State of California lying north of the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernardino and the States of Utah and Nevada.	San Francisco-Oakland (including all points on San Francisco Bay.) Eureka. Norz.—Collector of customs located at San Francisco.
29	Oregon	The State of Oregon and that part of the State of Washington which embraces the waters of the Columbia River and the north bank of the said river west of 119° west longitude.	Portland, Oreg. (including terri- tory described in Exec. Order of Jan. 24, 1921; T. D. 38604). Astoria, Oreg. Longview, Wash. Marshfield, Oreg. Nawport, Oreg.

Dis- trict No.	Name of district	Limits of district	Ports of entry
30	Washington	The State of Washington except that part which embraces the waters of the Columbia River and the north bank of the said river west of 119° west longitude.	Seattle. Aberdeen. Anacortes. Bellingham. Blaine. Danville. Everett. Ferry. Friday Harbor. Laurier. Lynden. Metaline Falls. Molson. Nighthawk. Northport. Olympia. Oroville. Port Angeles. Port Townsend. South Bend. Spokane.
31	Alaska	The Territory of Alaska	Sumas. Tacoma. Juneau. Cordova. Craig. Eagle. Fairbanks. Hyder. Ketchikan. Petersburg. Sitka. Skagway. Unalaska.
32	Hawaii	The Territory of Hawaii	Wrangell. Honolulu. Hilo. Kahului. Mahukone.
33	Montana and Idaho.	The States of Montana and Idaho	Port Allen. Great Falls, Mont. Del Bonita, Mont. Eastport, Idaho. Morgan, Mont. Opheim, Mont. Peskan, Mont. Piegan, Mont. Porthill, Idaho. Raymond, Mont. Roosville, Mont. Sweetgrass, Mont. Turner, Mont. Westby, Mont. Westby, Mont.
34	Dakota	The States of North and South Dakota and the county of Kittson in the State of Minnesota.	Whitlash, Mont. Pembina, N. Dak. Ambrose, N. Dak. Antler, N. Dak. Carbury, N. Dak. Crosby, N. Dak. Crosby, N. Dak. Fortuna, N. Dak. Fortuna, N. Dak. Hannah, N. Dak. Hansboro, N. Dak. Lancaster, Minn. Maida, N. Dak. Neche, N. Dak. Noonan, N. Dak. Northgate, N. Dak. Northgate, N. Dak. Northgate, N. Dak. Sarles, N. Dak. Sarles, N. Dak. Sarles, N. Dak. Sarles, N. Dak. St. John, N. Dak. Walhalla, N. Dak. Walhalla, N. Dak. Wathope, N. Dak.
35	Minnesota	The State of Minnesota lying south of 46° north latitude.	Minneapolis.   St. Paul.

Dis- trict No.	Name of district	Limits of district	Ports of entry
36	Duluth and Superior.	The State of Minnesota, except the county of Kittson, lying north of 46° north latitude, and the State of Wisconsin lying north of said latitude, and the island of Isle Royale in the State of Michigan.	Duluth, Minn., and Superior, Wis. (including West Superior). Ashland, Wis. Baudette, Minn. International Falls, Minn. Pigeon River Bridge, Minn. Pine Creek, Minn. Ranier, Minn. Roseau, Minn.
37	Wisconsin	The State of Wisconsin lying south of 46° north latitude, and the city of Menominee, Michigan.	Warroad, Minn. Milwaukee, Wis. Green Bay, Wis. Manitowoc, Wis. Marinette, Wis. (including Menominee, Mich.). Racine, Wis.
38	Michigan	The State of Michigan except the island of Isle Royale and the city of Menominee, Michigan.	Sheboygan, Wis. Detroit. Bay City. Cheboygan. Muskegon. Grand Rapids. Port Huron. Saginaw. Sault Ste. Marie. South Haven.
39	Chicago	The State of Illinois lying north of 39° north latitude; that part of the State of Indiana north of 41° north latitude; and the State of Iowa.	Chicago, Ill. Peoria, Ill.
40	Indiana	The State of Indiana lying south of 41° north latitude.	Indianapolis, Evansville. Lawrenceburg (including Green- dale).
41	Ohio	The State of Ohio, and the county of Erie in the State of Pennsylvania.	Cleveland, Ohio. Akron, Ohio. Ashtabula, Ohio. Cincinnati, Ohio. Columbus, Ohio. Conneaut, Ohio. Dayton, Ohio. Erie, Pa. Sandusky, Ohio.
42 43	Kentucky Tennessee	The State of Kentucky The States of Tennessee and Arkansas	Toledo, Ohio. Louisville. Memphis, Tenn. Chattanooga, Tenn. Nashville, Tenn.
45	St. Louis	The States of Missouri, Kansas, and Oklahoma, and that part of the State of Illinois lying south of 39° north latitude.	St. Louis, Mo. (including East St. Louis, Ill.). Kansas City, Mo. St. Joseph, Mo.
46 47 49	Omaha Colorado Puerto Rico	The States of Nebraska and Wyoming The State of Colorado The Territory of Puerto Rico	Omaha, Nebr. Denver. San Juan. Aguadilla. Arecibo. Arroyo. Fajardo. Guanica. Humacao. Mayaguez. Ponce.

<sup>(</sup>Sec 1, 37 Stat. 434, sec. 1, 38 Stat. 623, sec. 1 (19), 45 Stat. 987; 19 U. S. C., 1, 2; President's Message March 3, 1913)
[Filed with the Division of the Federal Register October 12, 1939, 3:58 p. m.]

## Chapter XXII.—ENTRY OF VESSELS AND MERCHANDISE

#### Definitions.

June 17, 1930, sec. 401 (19  $\mathbb{U}$ . S. C. 1401). (a) Vessel.—The word "vessel" includes every description of water craft or other contrivance used, or capable of being used, as a means of transportation in water, but does not include aircraft.

(b) Vehicle.—The word "vehicle" includes every description of carriage or other contrivance used, or capable of being used, as a

means of transportation on land, but does not include aircraft.

(c) Merchandise.—The word "merchandise" means goods, wares, and chattles of every description and includes merchandise the importation of which is prohibited.

(d) Person.—The word "person" includes partnerships, associa-

tions, and corporations.

(e) Master.—The word "master" means the person having the command of the vessel.

(f) DAY.—The word "day" means the time from eight o'clock antemeridian to five o'clock postmeridian.

(g) Night.—The word "night" means the time from five o'clock

postmeridian to eight o'clock antemeridian.

(h) Collector. The word "collector" means collector of customs and includes assistant collector of customs, deputy collector of customs and any person authorized by law or by regulations of the Secretary of the Treasury to perform the duties of a collector of customs.

(i) Comptroller of Customs.—The term "comptroller of customs" includes assistant comptroller of customs and any person authorized by law or by regulations of the Secretary of the Treasury

to perform the duties of a comptroller of customs.

(j) Appraiser.—The word "appraiser" means appraiser of merchandise and includes chief assistant appraiser and any person authorized by law or by regulations of the Secretary of the Treasury to perform the duties of an appraiser, but does not include the United States Customs Court or any division or judge thereof.

(k) UNITED STATES.—The term "United States" includes all Territories and possessions of the United States, except the Philippine Islands, the Virgin Islands, American Samoa, Wake Island, Midway

Islands, Kingman Reef, and the island of Guam.

- (1) Officer of the customs.—The term "officer of the customs" means any officer of the Customs Service or any commissioned, warrant, or petty officer of the Coast Guard, or agent or other person authorized by law or by the Secretary of the Treasury, or appointed in writing by a collector, to perform the duties of an officer of the Customs Service.
- (m) Customs waters.—The term "customs waters" means, in the case of a foreign vessel subject to a treaty or other arrangement between a foreign government and the United States enabling or

permitting the authorities of the United States to board, examine, search, seize, or otherwise to enforce upon such vessel upon the high seas the laws of the United States, the waters within such distance of the coast of the United States as the said authorities are or may be so enabled or permitted by such treaty or arrangement and, in the case of every other vessel, the waters within four leagues of the coast of the United States.

(n) HOVERING VESSEL.—The term "hovering vessel" means any vessel which is found or kept off the coast of the United States within or without the customs waters, if, from the history, conduct, character, or location of the vessel, it is reasonable to believe that such vessel is being used or may be used to introduce or promote or facilitate the introduction or attempted introduction of merchandise into the United States in violation of the laws respecting the revenue.

For the purposes of sections 432, 433, 434, 448, 585, and 586 of this Act, and vessel which has visited any hovering vessel shall be deemed to arrive or have arrived, as the case may be, from a foreign

port or place. (Aug. 5, 1935, sec. 201.)

## Report of Arrival.

June 17, 1930, sec. 433 (19 U. S. C. 1433). Within twenty-four hours after the arrival of any vessel from a foreign port or place, or if a foreign vessel from a domestic port, or of a vessel of the United States carrying bonded merchandise, or foreign merchandise for which entry has not been made, at any port or place within the United States at which such vessel shall come to, the master shall, unless otherwise provided by law, report the arrival of the vessel at the nearest customhouse, under such regulations as the Secretary of Commerce may prescribe.

# Entry of Vessels of the United States.

June 17, 1930, sec. 434 (19 U. S. C. 1434). Except as otherwise provided by law, and under such regulations as the Secretary of Commerce may prescribe, the master of a vessel of the United States arriving in the United States from a foreign port or place shall, within forty-eight hours after its arrival within the limits of any customs collection district, make formal entry of the vessel at the customhouse by producing and depositing with the collector the vessel's crew list, its register, or document in lieu thereof, the clearance and bills of health issued to the vessel at the foreign port or ports from which it arrived, together with the original and one copy of the manifest, and shall make oath that the ownership of the vessel is as indicated in the register, or document in lieu thereof, and that the manifest was made out in accordance with section 431 of this Act [19 U. S. C. 1431]. (Aug. 5, 1935, sec. 301.)

# Entry of Foreign Vessels.

June 17, 1930, sec. 435 (19 U. S. C. 1435). The master of any foreign vessel arriving within the limits of any customs collection district shall, within forty-eight hours thereafter, make entry at the customhouse in the same manner as is required for the entry of a vessel of the United States, except that a list of the crew need not be delivered, and that instead of depositing the register or document in lieu thereof such master may produce a certificate by the consul

of the nation to which such vessel belongs that said documents have been deposited with him: *Provided*, That such exception shall not apply to the vessels of foreign nations in whose ports American consular officers are not permitted to have the custody and possession of the register and other papers of vessels entering the ports of such nations.

## Frontier Vessels Required to Enter.

R. S. 2793 (46 U. S. C. 111 and 123). Enrolled or licensed vessels engaged in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, departing from or arriving at a port in one district to or from a port in another district, and also touching at intermediate foreign ports, shall not thereby become liable to the payment of entry and clearance fees, or tonnage tax, as if from or to foreign ports; but such vessels shall, notwithstanding, be required to enter and clear.

## Place of Entry and Unlading.

June 17, 1930, sec. 447 (19 U. S. C. 1447). It shall be unlawful to make entry of any vessel or to unlade the cargo or any part thereof of any vessel elsewhere than at a port of entry: Provided, That upon good cause therefore being shown, the Secretary of Commerce may permit entry of any vessel to be made at a place other than a port of entry designated by him, under such conditions as he shall prescribe: And provided further, That any vessel laden with merchandise in bulk may proceed after entry of such vessel to any place designated by the Secretary of the Treasury for the purpose of unlading such cargo, under the supervision of customs officers if the collector shall consider the same necessary, and in such case the compensation and expenses of such officer shall be reimbursed to the Government by the party in interest.

#### Removal of Customhouse.

R. S. 4797 (42 U. S. C. 112). Whenever, by the prevalence of any contagious or epidemic disease in or near the place by law established as the port of entry for any collection district, it becomes dangerous or inconvenient for the officers of the revenue employed therein to continue the discharge of their respective offices at such port, the Secretary of the Treasury, or, in his absence, the Under Secretary of the Treasury, may direct the removal of the officers of the revenue from such port to any other more convenient place, within, or as near as may be to, such collection district. And at such place such officers may exercise the same powers, and shall be liable to the same duties, according to existing circumstances, as in the port or district established by law. Public notice of any such removal shall be given as soon as may be. (July 31, 1894, sec. 4; June 10, 1921, sec. 301; Feb. 17, 1922.)

# Vessels not Required to Enter.

June 17, 1930, sec. 441 (19 U. S. C. 1441). The following vessels

shall not be required to make entry at the customhouse:

(1) Vessels of war and public vessels employed for the conveyance of letters and dispatches and not permitted by the laws of the nations to which they belong to be employed in the transportation of passengers or merchandise in trade;

(2) Passenger vessels making three trips or oftener a week between a port of the United States and a foreign port, or vessels used exclusively as ferryboats, carrying passengers, baggage, or merchandise: *Provided*, That the master of any such vessel shall be required to report such baggage and merchandise to the collector within twenty-four hours after arrival;

(3) Yachts of fifteen gross tons or under not permitted by law to carry merchandise or passengers for hire and not visiting any hovering vessel, nor having at any time or, if forfeited to the United States or to a foreign government, at any time after forfeiture, become liable to seizure and forfeiture for any violation of the laws

of the United States;

(4) Vessels arriving in distress or for the purpose of taking on bunker coal, bunker oil, sea stores, or ship's stores and which shall depart within twenty-four hours after arrival without having landed or taken on board any passengers, or any merchandise other than bunker coal, bunker oil, sea stores, or ship's stores: *Provided*, That the master, owner, or agent of such vessel shall report under oath to the collector the hour and date of arrival and departure and the quantity of bunker coal, bunker oil, sea stores, or ship's stores taken on board; and

(5) Tugs enrolled and licensed to engage in the foreign and coasting trade in the northern, northeastern, and northwestern frontiers when towing vessels which are required by law to enter and clear.

(Aug. 5, 1935, sec. 302; Aug. 14, 1937.)

R. S. 2792 (46 U. S. C. 110). Vessels used exclusively as ferry-boats carrying passengers, baggage, and merchandise, shall not be required to enter and clear, nor shall the masters of such vessels be required to present manifests, or to pay entrance or clearance fees, or fees for receiving or certifying manifests, but they shall, upon arrival in the United States, be required to report such baggage and merchandise to the proper officer of the customs according to law.

Oath of Ownership on Entry.

R. S. 4173 (46 U. S. C. 42). Upon the entry of every vessel of the United States from any foreign port, if the same shall be at the port at which the owner or any of the part owners reside, such owner or part owner shall make oath that the register of such vessel contains the name or names of all the persons who are then owners of the vessel; or if any part of such vessel has been sold or transferred since the granting of such register that such is the case, and that no foreign subject or citizen has, to the best of his knowledge and belief, any share, by way of trust, confidence, or otherwise, in such vessel. If the owner or any part owner does not reside at the port at which such vessel enters, the master shall make oath to the like effect. If the owner, or part owner, where there is one, or the master, where there is no owner, refuses so to swear, such vessel shall not be entitled to the privileges of a vessel of the United States. See sec. 434, tariff act, 1930, p. 314.

Duty on Repairs.

R. S. 3114 (19 U. S. C. 257). The equipments, or any part thereof, including boats, purchased for, or the repair parts or mate-

rials to be used, or the expenses of repairs made in a foreign country upon a vessel documented under the laws of the United States to engage in the foreign or coasting trade, or a vessel intended to be employed in such trade, shall, on the first arrival of such vessel in any port of the United States, be liable to entry and the payment of an ad valorem duty of 50 per centum on the cost thereof in such foreign country; and if the owner or master of such vessel shall willfully and knowingly neglect or fail to report, make entry, and pay duties as herein required, such vessel, with her tackle, apparel, and furniture, shall be seized and forfeited. For the purposes of this section, compensation paid to members of the regular crew of such vessel in connection with the installation of any such equipments or any part thereof, or the making of repairs in a foreign country, shall not be included in the cost of such equipment or part thereof, or of such repairs. (June 17, 1930, sec. 466.)

Remission for Necessary Repairs.

R. S. 3115 (19 U. S. C. 258). If the owner or master of such vessel, however, furnishes good and sufficient evidence (1) that such vessel, while in the regular course of her voyage, was compelled, by stress of weather or other casualty, to put into such foreign port and purchase such equipments, or make such repairs, to secure the safety and seaworthiness of the vessel to enable her to reach her port of destination; or (2) that such equipments or parts thereof or repair parts or materials, were manufactured or produced in the United States, and the labor necessary to install such equipments or to make such repairs was performed by residents of the United States, or by members of the regular crew of such vessel, then the Secretary of the Treasury is authorized to remit or refund such duties, and such vessel shall not be liable to forfeiture, and no license or enrollment and license, or renewal of either, shall hereafter be issued to any such vessel until the collector to whom application is made for the same shall be satisfied, from the oath of the owner or master, that all such equipments and repairs made within the year immediately preceding such application have been duly accounted for under the provisions of this and the preceeding sections, and the duties accruing theron duly paid; and if such owner or master shall refuse to take such oath, or take it falsely, the vessel shall be seized and forfeited. (June 17, 1930, sec. 466.)

Touring Vessels and Aircraft.

June 17, 1930, sec. 308 (19 U. S. C. 1308). The following articles, when not imported for sale or for sale on approval, may be admitted into the United States under such rules and regulations as the Secretary of the Treasury may prescribe, without the payment of duty, under bond for their exportation within six months from the date of importation:

(5) Automobiles, motorcycles, bicycles, airplanes, airships, balloons, boats, racing shells, and similar vehicles and craft, and horses, and the usual equipment of the foregoing; all the foregoing which are brought temporarily into the United States by non-residents (A) for the purpose of taking part in races or other specific contests, or (B) for the transportation of such non-residents, their families

and guests, and such incidental carriage of articles as may be necessary and appropriate to the purposes of the journey, but not to be used for the transportation of persons or articles for hire nor in any case primarily for the carriage of articles (but nothing in this chapter shall be construed as altering the customary exceptions of vehicles and other instruments of international traffic from the application of the customs laws); and in the case of horses, vehicles, and craft entered under this subdivision collectors of customs may, under such regulations as the Secretary of the Treasury may prescribe, defer the exaction of a bond for not to exceed ninety days (or six months in the case of such horses, vehicles, and craft from a country which accords a similar privilege to horses, vehicles, and craft from the United States) after the date of importation, but unless such horse, vehicle, or craft is exported or the bond is given within the period of such deferment, such horse, vehicle, or craft shall be subject to forfeiture. (June 25, 1938, sec. 4.)

Entry and Clearance of Vessels Arriving on Sundays, Holidays, or at Night.

June 16, 1937 (19 U.S. C. 1435b). In order to expedite the dispatch of vessels carrying passengers operating on regular schedules and arriving at night or on a Sunday or a holiday at a port in the United States at which such vessel is required by law to report arrival and make entry and from which it is required to obtain a clearance, the collector of customs, or any deputy collector of customs designated by him, if the vessel departs during the same night, Sunday, or holidays on which it arrives may, under such regulations as may be prescribed jointly by the Secretary of Commerce and the Secretary of the Treasury, receive the report of arrival and entry of such vessel from and give clearance for such vessel to the master or other proper officer thereof on board such vessel: Provided, That bond, as prescribed in section 451 of the Tariff Act of 1930, is given to secure reimbursement to the Government for the compensation of, and expenses incurred by, such customs officers in performing such services, who shall be entitled to rates of compensation fixed on the same basis and payable in the same manner and upon the same terms and conditions as in the case of customs officers and employees assigned to lading or unlading at night or on Sunday or a holiday.

Penalty for Failure to Report Arrival or to Enter Vessels.

June 17, 1930, sec. 436 (19 U. S. C. 1436). Every master who fails to make the report or entry provided for in section 433, 434, or 435 of this Act [19 U. S. C. 1433, 1434, or 1435] shall, for each offense, be liable to a fine of not more than \$1,000, and, if the vessel have, or be discovered to have had, on board any merchandise (sea stores excepted), the importation of which into the United States is prohibited, or any spirits, wines, or other alcoholic liquors, such master shall be subject to an additional fine of not more than \$2,000 or to imprisonment for not more than one year, or to both such fine and imprisonment.

Every master who presents a forged, altered, or false document or paper on making entry of a vessel as required by section 434 or 435 of this Act, knowing the same to be forged, altered, or false and without revealing the fact, shall, in addition to any forfeiture to which in consequence the vessel may be subject, be liable to a fine of not more than \$5,000 nor less than \$50 or to imprisonment for not more than two years, or to both such fine and imprisonment. (Aug. 5, 1935, sec. 202.)

Penalty for Failure or Attempting to Depart Without Report or Entry.

JUNE 17, 1930, sec. 585 (19 U. S. C. 1585). If any vessel or vehicle from a foreign port or place arrives within the limits of any collection district and departs or attempts to depart, except from stress of weather or other necessity, without making a report or entry under the provisions of this Act, or if any merchandise is unladen therefrom before such report or entry, the master of such vessel shall be liable to a penalty of \$5,000, and the person in charge of such vehicle shall be liable to a penalty of \$500, and any such vessel or vehicle shall be forfeited, and any officer of the customs may cause such vessel or vehicle to be arrested and brought back to the most convenient port of the United States. (Aug. 5, 1935, sec. 303.)

Statement of Gratuitous Consular Service Rendered.

R. S. 4213 (46 U. S. C. 101). It shall be the duty of all masters of vessels for whom any official services shall be performed by any consular officer, without the payment of a fee, to require a written statement of such services from such consular officer, and, after certifying as to whether such statement is correct, to furnish it to the collector of the district in which such vessels shall first arrive on their return to the United States; and if any such master of a vessel shall fail to furnish such statement, he shall be liable to a fine of not exceeding \$50, unless such master shall state under oath that no such statement was furnished him by said consular officer. And it shall be the duty of every collector to forward to the Secretary of the Treasury all such statements as shall have been furnished to him, and also a statement of all certified invoices which shall have come to his office, giving the dates of the certificates, and the names of the persons for whom and of the consular officer by whom the same were certified. (June 26, 1884, sec. 13; June 10, 1921, sec. 304.)

Fees for Entering.

R. S. 2654 (19 U. S. C. 58). Collectors shall charge and collect the following fees: First. For every entrance of any vessel of one hundred tons burden and upward, \$2.50. \* \* \*

Third. For every entrance of any vessel under the burden of one

hundred tons, \$1.50. \* \* \* (Aug. 4, 1912, sec. 1.)

Required Manifests; Form; Contents.

June 17, 1930, sec. 431 (19 U. S. C. 1431). The master of every vessel arriving in the United States and required to make entry shall have on board his vessel a manifest in a form to be prescribed by the Secretary of the Treasury and signed by such master under oath as to the truth of the statements therein contained. Such manifest shall contain:

First. The names of the ports or places at which the merchandise was taken on board and the ports of entry of the United States for which the same is destined, particularly describing the merchandise destined to each such port: *Provided*, That the master of any vessel laden exclusively with coal, sugar, salt, nitrates, hides, dyewoods, wool, or other merchandise in bulk consigned to one owner

and arriving at a port for orders, may destine such cargo "for orders", and within fifteen days thereafter, but before the unlading of any part of the cargo such manifest may be amended by the master by designating the port or ports of discharge of such cargo, and in the event of failure to amend the manifest within the time permitted such cargo must be discharged at the port at which the vessel arrived and entered.

Second. The name, description, and build of the vessel, the true measure or tonnage thereof, the port to which such vessel belongs,

and the name of the master of such vessel.

Third. A detailed account of all merchandise on board such vessel, with the marks and numbers of each package, and the number and description of the packages according to their usual name or denomination, such as barrel, keg, hogshead, case, or bag.

Fourth. The names of the persons to whom such packages are respectively consigned in accordance with the bills of lading issued therefor, except that when such merchandise is consigned to order

the manifest shall so state.

Fifth. The names of the several passengers aboard the vessel, stating whether cabin or steerage passengers, with their baggage, specifying the number and description of the pieces of baggage belonging to each, and a list of all baggage not accompanied by passengers.

Sixth. An account of the sea stores and ship's stores on board of

the vessel.

### To Specify Sea and Ship's Stores

June 17, 1930, sec. 432 (19 U.S. C. 1432). The manifest of any vessel arriving from a foreign port or place shall separately specify the articles to be retained on board of such vessel as sea stores, ship's stores, or bunker coal, or bunker oil, and if any other or greater quantity of sea stores, ship's stores, bunker coal, or bunker oil is found on board of any such vessel than is specified in the manifest, or if any such articles, whether shown on the manifest or not, are landed without a permit therefor issued by the collector, all such articles omitted from the manifest or landed without a permit shall be subject to forfeiture, and the master shall be liable to a penalty equal to the value of the articles.

# FALSITY OR LACK OF MANIFEST; PENALTIES

June 17, 1930, sec. 584 (19 U. S. C. 1584). Any master of any vessel and any person in charge of any vehicle bound to the United States who does not produce the manifest to the officer demanding the same shall be liable to a penalty of \$500, and if any merchandise, including sea stores, is found on board of or after having been unladen from such vessel or vehicle which is not included or described in said manifest or does not agree therewith, the master of such vessel or the person in charge of such vehicle or the owner of such vessel or vehicle shall be liable to a penalty equal to the value of the merchandise so found or unladen, and any such merchandise belonging or consigned to the master or

other officer or to any of the crew of such vessel, or to the owner or person in charge of such vehicle, shall be subject to forfeiture, and if any merchandise described in such manifest is not found on board the vessel or vehicle the master or other person in charge or the owner of such vessel or vehicle shall be subject to a penalty of \$500: Provided, That if the collector shall be satisfied that the manifest was lost or mislaid without intentional fraud, or was defaced by accident, or is incorrect by reason of clerical error or other mistake and that no part of the merchandise not found on board was unshipped or discharged except as specified in the report of the master, said

penalties shall not be incurred. If any of such merchandise so found consists of heroin, morphine, or cocaine, the master of such vessel or person in charge of such vehicle or the owner of such vessel or vehicle shall be liable to a penalty of \$50 for each ounce thereof so found. If any of such merchandise so found consists of smoking opium or opium prepared for smoking, the master of such vessel or person in charge of such vehicle or the owner of such vessel or vehicle shall be liable to a penalty of \$25 for each ounce thereof so found. If any of such merchandise so found consists of crude opium, the master of such vessel or person in charge of such vehicle or the owner of such vessel or vehicle shall be liable to a penalty of \$10 for each ounce thereof so found. Such penalties shall, notwithstanding the proviso in section 594 of this Act (relating to the immunity of vessels or vehicles used as common carriers), constitute a lien upon such vessel which may be enforced by a libel in rem; except that the master or owner of a vessel used by any person as a common carrier in the transaction of business as such common carrier shall not be liable to such penalties and the vessel shall not be held subject to the lien, if it appears to the satisfaction of the court that neither the master nor any of the officers (including licensed and unlicensed officers and petty officers) nor the owner of the vessel knew, and could not, by the exercise of the highest degree of care and diligence, have known, that such narcotic drugs were on board. Clearance of any such vessel may be withheld until such penalties are paid or until a bond, satisfactory to the collector, is given for the payment thereof. The provisions of this paragraph shall not prevent the forfeiture of any such vessel or vehicle under any other provision of law.

If any of such merchandise (sea stores excepted), the importation of which into the United States is prohibited, or which consists of any spirits, wines, or other alcoholic liquors for the importation of which into the United States a certificate is required under section 7 of the Anti-Smuggling Act and the required certificate be not shown, be so found upon any vessel not exceeding five hundred net tons, the vessel shall, in addition to any other penalties herein or by law provided, be seized and forfeited, and, if any manifested merchandise (sea stores excepted) consisting of any such spirits, wines, or other alcoholic liquors be found upon any such vessel and the required certificate be not shown, the master of the vessel shall be liable to the penalty herein provided in the case of merchandise not duly manifested: *Provided*, That if the collector shall be satisfied that the certificate required for the importation of any spirits, wines, or other alcoholic liquors was issued and was lost or mislaid without

intentional fraud, or was defaced by accident, or is incorrect by reason of clerical error or other mistake, said penalties shall not be incurred. (Aug. 5, 1935, secs. 204 and 584.)

#### CERTIFICATION

June 17,1930, sec. 583 (19 U. S. C. 1583). The master of every vessel and the person in charge of every vehicle bound to a port or place in the United States shall deliver to the officer of the customs or Coast Guard who shall first demand it of him, the original and one copy of the manifest of such vessel or vehicle, and such officer shall certify on the back of the original manifest to the inspection thereof and return the same to the master or other person in charge.

## DELIVERY

June 17, 1930, sec. 439 (19 U. S. C. 1439). Immediately upon arrival and before entering his vessel, the master of a vessel from a foreign port or place required to make entry shall mail or deliver to the comptroller of customs for the district in which the port of entry is located, a copy of the manifest, and shall on entering his vessel make affidavit that a true and correct copy was so mailed or delivered, and he shall also mail or deliver to said comptroller of customs a true and correct copy of any correction of such manifest filed on entry of his vessel. Any master who fails so to mail or deliver such copy of the manifest or correction thereof shall be liable to a penalty of not more than \$500.

#### Post Entry

June 17, 1930, sec. 440 (19 U.S. C. 1440). If there is any merchandise or baggage on board such vessel which is not included in or which does not agree with the manifest, the master of the vessel shall make a post entry thereof, and mail or deliver a copy to the comptroller of customs for the district in which the port of entry is located and for failure so to do shall be liable to a penalty of \$500.

#### RESIDUE CARGO

June 17, 1930, sec. 442 (19 U. S. C. 1442). Any vessel having on board merchandise shown by the manifest to be destined to a foreign port or place may, after the report and entry of such vessel under the provisions of this Act, proceed to such foreign port of destination with the cargo so destined therefor, without unlading the same and without the payment of duty thereon. Any vessel arriving from a foreign port or place having on board merchandise shown by the manifest to be destined to a port or ports in the United States other than the port of entry at which such vessel first arrived and made entry may proceed with such merchandise from port to port or from district to district for the unlading thereof.

# CARGO FOR DIFFERENT PORTS; MANIFEST AND PERMIT

June 17, 1930, sec. 443 (19 U. S. C. 1443). Merchandise arriving in any vessel for delivery in different districts or ports of entry shall

be described in the manifest in the order of the districts or ports at or in which the same is to be unladen. Before any vessel arriving in the United States with any such merchandise shall depart from the port of first arrival, the master shall obtain from the collector a permit therefor with a certified copy of the vessel's manifest showing the quantities and particulars of the merchandise entered at such port of entry and of that remaining on board.

#### ARRIVAL AT ANOTHER PORT

June 17, 1930, sec. 444 (19 U. S. C. 1444). Within twenty-four hours after the arrival of such vessel at another port of entry, the master shall report the arrival of his vessel to the collector at such port and shall produce the permit issued by the collector at the port of first arrival, together with the certified copy of his manifest.

## PENALTIES FOR FAILURE TO HAVE PERMIT AND CERTIFIED MANIFEST

June 17, 1930, sec. 445 (19 U. S. C. 1445). If the master of any such vessel shall proceed to another port or district without having obtained a permit therefor and a certified copy of his manifest, or if he shall fail to produce such permit and certified copy of his manifest to the collector at the port of destination, or if he shall proceed to any port not specified in the permit, he shall be liable to a penalty, for each offense, of not more than \$500.

Unlading; Permits; Preliminary Entries; Special Delivery Permit.

June 17, 1930, sec. 448 (19 U.S. C. 1448). (a) Except as provided in section 441 of this Act (relating to vessels not required to enter), no merchandise, passengers, or baggage shall be unladen from any vessel or vehicle arriving from a foreign port or place until entry of such vessel or report of the arrival of such vehicle has been made and a permit for the unlading of the same issued by the collector: Provided, That the master may make a preliminary entry of a vessel by making oath or affirmation to the truth of the statements contained in the vessel's manifest and delivering the manifest to the customs officer who boards such vessel, but the making of such preliminary entry shall not excuse the master from making formal entry of his vessel at the customhouse, as provided by this Act. After the entry, preliminary or otherwise, of any vessel or report of the arrival of any vehicle, the collector may issue a permit to the master of the vessel, or to the person in charge of the vehicle, to unlade merchandise or baggage, but except as provided in subdivision (b) of this section merchandise or baggage so unladen shall be retained at the place of unlading until entry therefor is made and a permit for its delivery granted, and the owners of the vessel or vehicle from which any imported merchandise is unladen prior to entry of such merchandise shall be liable for the payment of the duties accruing on any part thereof that may be removed from the place of unlading without a permit therefor having been issued. Any merchandise or baggage so unladen from any vessel or vehicle for which entry is not made within forty-eight hours exclusive of Sundays and holidays from the time of the entry of the vessel or report of the vehicle, unless a longer time is granted by the collector, as provided in section 484 [19 U. S. C. 1484]

shall be sent to a bonded warehouse or the public stores and held as unclaimed at the risk and expense of the consignee in the case of merchandise and of the owner in the case of baggage, until entry thereof is made.

(b) The Secretary of the Treasury is authorized to provide by regulations for the issuing of special permits for delivery, prior to formal entry therefor, of perishable articles and other articles, the immediate delivery of which is necessary.

#### Unlading at Port of Entry

June 17, 1930, sec. 449 (19 U. S. C. 1449). Except as provided in sections 442 and 447 of this Act (relating to residue cargo and to bulk cargo, respectively) [19 U. S. C. 1442 and 1447], merchandise and baggage imported in any vessel by sea shall be unladen at the port of entry to which such vessel is destined, unless (1) such vessel is compelled by any cause to put into another port of entry, and the collector of such port issues a permit for the unlading of such merchandise or baggage, or (2) the Secretary of the Treasury, because of an emergency existing at the port of destination, authorizes such vessel to proceed to another port of entry. Merchandise and baggage so unladen may be entered in the same manner as other imported merchandise or baggage and may be treated as unclaimed merchandise or baggage and stored at the expense and risk of the owner thereof, or may be reladen without entry upon the vessel from which it was unladen for transportation to its destination.

# LADING AND UNLADING OF MERCHANDISE OR BAGGAGE; PENALTIES

June 17, 1930, sec. 453 (19 U. S. C. 1453). If any merchandise or baggage is laden on, or unladen from, any vessel or vehicle without a special license or permit therefor issued by the collector, the master of such vessel or the person in charge of such vehicle and every other person who knowingly is concerned, or who aids therein, or in removing or otherwise securing such merchandise or baggage, shall each be liable to a penalty equal to the value of the merchandise or baggage so laden or unladen, and such merchandise or baggage shall be subject to forfeiture, and if the value thereof is \$500 or more, the vessel or vehicle on or from which the same shall be laden or unladen shall be subject to forfeiture.

# Unlading of Passengers; Penalty

June 17, 1930, sec. 454 (19 U. S. C. 1454). If any passenger is unladen from any vessel or vehicle without a special license or permit therefor issued by the collector, the master of such vessel or the person in charge of such vehicle and every other person who knowingly is concerned, or who aids therein, shall each be liable to a penalty of \$500 for each such passenger so unladen.

## Unlawful Unlading or Transshipment

June 17, 1930, sec. 586 (19 U. S. C. 1586). (a) The master of any vessel from a foreign port or place who allows any merchandise

(including sea stores) to be unladen from such vessel at any time after its arrival within the customs waters and before such vessel has come to the proper place for the discharge of such merchandise, and before he has received a permit to unlade, chall be liable to a penalty equal to twice the value of the merchandise but not less than \$1,000, and such vessel and its cargo and the merchandise so unladen

shall be seized and forfeited.

(b) The master of any vessel from a foreign port or place who allows any merchandise (including sea stores), the importation of which into the United States is prohibited, or which consists of any spirits, wines, or other alcoholic liquors, to be unladen from his vessel at any place upon the high seas adjacent to the customs waters of the United States to be transshipped to or placed in or received on any vessel of any description, with knowledge, or under circumstances indicating the purpose to render it possible, that such merchandise, or any part thereof, may be introduced, or attempted to be introduced, into the United States in violation of law, shall be liable to a penalty equal to twice the value of the merchandise but not less than \$1,000, and the vessel from which the merchandise is so unladen, and its cargo and such merchandise, shall be seized and forfeited.

(c) The master of any vessel from a foreign port or place who allows any merchandise (including sea stores) destined to the United States, the importation of which into the United States is prohibited, or which consists of any spirits, wines, or other alcoholic liquors, to be unladen, without permit to unlade, at any place upon the high seas adjacent to the customs waters of the United States, to be transshipped to or placed in or received on any vessel of the United States or any other vessel which is owned by any person a citizen of, or domiciled in, the United States, or any corporation incorporated in the United States, shall be liable to a penalty equal to twice the value of the merchandise but not less than \$1,000, and the vessel from which the merchandise is so unladen, and its cargo and such merchandise, shall be seized and forfeited.

(d) If any merchandise (including sea stores) unladen in violation of the provisions of this section is transshipped to or placed in or received on any other vessel, the master of the vessel on which such merchandise is placed, and any person aiding or assisting therein, shall be liable to a penalty equal to twice the value of the merchandise, but not less than \$1,000, and such vessel, and its cargo

and such merchandise, shall be seized and forfeited.

(e) Whoever, at any place, if a citizen of the United States, or at any place in the United States or within one league of the coast of the United States, if a foreign national, shall engage or aid or assist in any unlading or transshipment of any merchandise in consequence of which any vessel becomes subject to forfeiture under the provisions of this section shall, in addition to any other penalties provided by law, be liable to imprisonment for not more than two years.

(f) Whenever any part of the cargo or stores of a vessel has been unladen or transshipped because of accident, stress of weather, or other necessity, the master of such vessel and the master of any vessel to which such cargo or stores has been transshipped shall, as soon as

possible thereafter, notify the collector of the district within which such unlading or transshipment has occurred, or the collector within the district at which such vessel shall first arrive thereafter, and shall furnish proof that such unlading or transshipment was made necessary by accident, stress of weather, or other unavoidable cause, and if the collector is satisfied that the unlading or transshipment was in fact due to accident, stress of weather, or other necessity, the penalties described in this section shall not be incurred. (Aug. 5, 1935, sec. 205.)

## Unlawful Relanding.

June 17, 1930, sec. 589 (19 U. S. C. 1589). If any merchandise entered or withdrawn for exportation without payment of the duties thereon, or with intent to obtain a drawback of the duties paid, or of any other allowances given by law on the exportation thereof, is relanded at any place in the United States without entry therefor having been made, the same shall be considered and treated as having been imported into the United States contrary to law, and all persons concerned therein and such merchandise shall be liable to the same penalties as are prescribed by section 593 of this Act. [19 U. S. C. 1593.]

# Entry for Immediate Transportation.

June 17, 1930, sec. 552 (19 U. S. C. 1552). Any merchandise, other than explosives and merchandise the importation of which is prohibited, arriving at a port of entry in the United States may be entered, under such rules and regulations as the Secretary of the Treasury may prescribe, for transportation in bond without appraisement to any other port of entry designated by the consignee, or his agent, and by such bonded carrier as he designates, there to be entered in accordance with the provisions of this Act.

# Entry for Transportation and Exportation.

June 17, 1930, sec. 553 (19 U. S. C. 1553). Any merchandise, other than explosives and merchandise the importation of which is prohibited, shown by the manifest, bill of lading, shipping receipt, or other document to be destined to a foreign country, may be entered for transportation in bond through the United States by a bonded carrier without appraisement or the payment of duties and exported under such regulations as the Secretary of the Treasury shall prescribe, and any baggage or personal effects not containing merchandise the importation of which is prohibited arriving in the United States destined to a foreign country may, upon the request of the owner or carrier having the same in possession for transportation, be entered for transportation in bond through the United States by a bonded carrier without appraisement or the payment of duty, under such regulations as the Secretary of the Treasury may prescribe. In places where no bonded common-carrier facilities are reasonably available, such merchandise may be so transported otherwise than by a bonded common carrier under such regulations as the Secretary of the Treasury shall prescribe. (June 25, 1938, sec. 21.)

# Supplies and Stores Retained on Board.

June 17, 1930, sec. 446 (19 U. S. C. 1446). Vessels arriving in the United States from foreign ports may retain on board, without the

payment of duty, all coal and other fuel supplies, ships' stores, sea stores, and the legitimate equipment of such vessels. Any such supplies, ships' stores, sea stores, or equipment landed and delivered from such vessel shall be considered and treated as imported merchandise: Provided, That bunker coal, bunker oil, ships' stores, sea stores, or the legitimate equipment of vessels belonging to regular lines plying between foreign ports and the United States, which are delayed in port for any cause, may be transferred under a permit by the collector and under customs supervision from the vessel so delayed to another vessel of the same line and owner, and engaged in the foreign trade, without the payment of duty thereon.

#### Saloon Stores.

R. S. 3113 (19 U. S. C. 283). Articles purchased for the use of or for sale on board any such vessel, as saloon stores or supplies, shall be deemed merchandise, and shall be liable, when purchased at a foreign port, to entry and the payment of the duties found to be due thereon, at the first port of arrival of such vessel in the United States; and for a failure on the part of the saloon keeper or person purchasing or owning such articles to report, make entries, and pay duties, as hereinbefore required, such articles, together with the fixtures and other merchandise, found in such saloon or on or about such vessel belonging to and owned by such saloon keeper or other person interested in such saloon, shall be seized and forfeited, and such saloon keeper or other person so purchasing and owning shall be liable to a penalty of not less than \$100 and not more than \$500, and shall be punishable by imprisonment for not less than three months, and not more than two years. See sec. 465, tariff act, 1930. Unlading on Sundays, Holidays, or at Night.

JUNE 17, 1930, sec. 450 (19 U. S. C. 1450). No merchandise, baggage, or passengers arriving in the United States from any foreign port or place, and no bonded merchandise or baggage being transported from one port to another, shall be unladen from the carrying vessel or vehicle on Sunday, a holiday, or at night, except under special license granted by the collector under such regulations as the Secretary of the Treasury may prescribe.

#### Extra Compensation

June 17, 1930, sec. 451 (19 U. S. C. 1451). Before any such special license to unlade shall be granted, the master, owner, or agent, of such vessel or vehicle shall be required to give a bond in the penal sum to be fixed by the collector conditioned to indemnify the United States for any loss or liability which might occur or be occasioned by reason of the granting of such special license and to pay the compensation and expenses of the customs officers and employees assigned to duty in connection with such unlading at night or on Sunday or a holiday, in accordance with the provisions of section 5 of the Act entitled "An Act to provide for the lading or unlading of vessels at night, the preliminary entry of vessels, and for other purposes," approved February 13, 1911, as amended [19 U. S. C. 261 and 267]. In lieu of such bond the owner, or agent, of any vessel or vehicle or line of vessels or vehicles may execute a bond in a penal sum to be fixed by

the Secretary of the Treasury to cover and include the issuance of special licenses for the unlading of vessels or vehicles belonging to such line for a period of one year from the date thereof. Upon a request made by the owner, master, or person in charge of a vessel or vehicle, or by or on behalf of a common carrier or by or on behalf of the owner or consignee of any merchandise or baggage, for overtime services of customs officers or employees at night or on a Sunday or holiday, the collector shall assign sufficient customs officers or employees if available to perform any such services which may lawfully be performed by them during regular hours of business, but only if the person requesting such services gives a bond in a penal sum to be fixed by the collector, conditioned to pay the compensation and expenses of such custom officers and employees, who shall be entitled to rates of compensation fixed on the same basis and payable in the same manner and upon the same terms and conditions as in the case of customs officers and employees assigned to duty in connection with lading or unlading at night or on Sunday or a holiday. this section shall be construed to impair the existing authority of the Treasury Department to assign customs officers or employees to regular tours of duty at nights or on Sundays or holidays when such assignments are in the public interest. (June 25, 1938, sec. 9.)

## SPECIAL PERMIT TO UNLADE BY NIGHT AND PRELIMINARY ENTRY

Feb. 13, 1911, sec. 5 (19 U. S. C. 267). The Secretary of the Treasury shall fix a reasonable rate of extra compensation for overtime services of inspectors, storekeepers, weighers, and other customs officers and employees who may be required to remain on duty between the hours of five o'clock postmeridian and eight o'clock antemeridian, or on Sundays or holidays, to perform services in connection with the lading or unlading of cargo, or the lading of cargo or merchandise for transportation in bond or for exportation in bond or for exportation with benefit of drawback, or in connection with the receiving or delivery of cargo on or from the wharf, or in connection with the unlading, receiving, or examination of passengers' baggage, such rates to be fixed on the basis of one-half day's additional pay for each two hours or fraction thereof of at least one hour that the overtime extends beyond five o'clock postmeridian (but not to exceed two and one-half days' pay for the full period from five o'clock postmeridian to eight o'clock antemridian), and two additional days' pay for Sunday or holiday duty. The said extra compensation shall be paid by the master, owner, agent, or consignee of such vessel or other conveyance whenever such special license or permit for immediate lading or unlading or for lading or unlading at night or on Sundays or holidays shall be granted to the collector of customs, who shall pay the same to the several customs officers and employees entitled thereto according to the rate fixed therefor by the Secretary of the Treasury: Provided, That such extra compensation shall be paid if such officers or employees have been ordered to report for duty and have so reported, whether the actual lading, unlading, receiving, delivery, or examination takes place or not. Provided further, That in those ports where customary working hours are other than those hereinabove mentioned, the collector of customs is vested with authority to regulate the hours of customs employees so as to agree with prevailing working hours in said ports, but nothing contained in this proviso shall be construed in any manner to affect or alter the length of a working day for customs employees or the overtime pay herein fixed. (Feb. 7, 1920.) See secs. 450 and 451, Tariff act, 1930, p. 327.

FEB. 13, 1911, sec. 5 (19 U. S. C. 261). Customs officers acting as

boarding officers, and any customs officer who may be designated for that purpose by the collector of customs, are hereby authorized to administer the oath or affirmation herein provided for, and such boarding officers shall be allowed extra compensation for services in boarding vessels at night or on Sundays or holidays—at the rates prescribed by the Secretary of the Treasury as herein provided, the said extra compensation to be paid by the master, owner, agent, or consignee of such vessel. (Feb. 7, 1920.)

# Transportation Through Contiguous Countries.

June 17, 1930, sec. 554 (19 U. S. C. 1554). With the consent of the proper authorities, imported merchandise, in bond or duty-paid, and products and manufactures of the United States may be transported from one port to another in the United States through contiguous countries, under such regulations as the Secretary of the Treasury shall prescribe, unless such transportation is in violation of section 4347 of the Revised Statutes, as amended, section 27 of the Merchant Marine Act, 1920 [46 U. S. C. 290 and 883], or section 588 of this Act.

# Contiguous Countries; Report and Manifest.

June 17, 1930, sec. 459 (19 U. S. C. 1459). The master of any vessel of less than five net tons carrying merchandise and the person in charge of any vehicle arriving in the United States from contiguous country, shall immediately report his arrival to the customs officer at the port of entry or customhouse which shall be nearest to the place at which such vessel or vehicle shall cross the boundary line or shall enter the territorial waters of the United States, and if such vessel or vehicle have on board any merchandise, shall produce to such customs officer a manifest as required by law, and no such vessel or vehicle shall proceed farther inland nor shall discharge or land any merchandise, passengers, or baggage without receiving a permit therefor from such customs officer. Any person importing or bringing merchandise into the United States from a contiguous country otherwise than in a vessel or vehicle shall immediately report his arrival to the customs officer at the port of entry or customhouse which shall be nearest to the place at which he shall cross the boundary line and shall present such merchandise to such customs officer for inspec-(June 25, 1938, sec. 10 (a).)

# Penalties for Failure to Report or File Manifest.

June 17, 1930, sec. 460 (19 U. S. C. 1460). The master of any vessel or the person in charge of any vehicle who fails to report arrival in the United States as required by the preceding section, or if so reporting proceeds further inland without a permit from the proper customs officer, shall be subject to a penalty of \$100 for each offense. If any merchandise is imported or brought into the United States in any vessel or vehicle, or by any person otherwise than in a vessel or vehicle, from a contiguous country, which vessel, vehicle, or merchan-

dise is not so reported to the proper customs officers; or if the master of such vessel or the person in charge of such vehicle fails to file a manifest for the merchandise carried therein, or discharges or lands such merchandise without a permit; such merchandise and the vessel or vehicle, if any, in which it was imported or brought into the United States shall be subject to forfeiture; and the master of such vessel or the person in charge of such vehicle, or the person importing or bringing in merchandise otherwise than in a vessel or vehicle, shall, in addition to any other penalty, be liable to a penalty equal to the value of the merchandise which was not reported, or not included in the manifest, or which was discharged or landed without a permit. any vessel or vehicle not so reported carries any passenger; or if any passenger is discharged or landed from any such vessel or vehicle before it is so reported, or after such report but without a permit; the master of the vessel or the person in charge of the vehicle shall, in addition to any other penalty, be liable to a penalty of \$500 for each passenger so carried, discharged, or landed. (June 25, 1936, sec. 10(b).

Inspection of Merchandise and Baggage.

June 17, 1930, sec. 461 (19 U. S. C. 1461). All merchandise and baggage imported or brought in from any contiguous country, except as otherwise provided by law or by regulations of the Secretary of the Treasury, shall be unladen in the presence of and be inspected by a customs officer at the first port of entry at which the same shall arrive; and such officer may require the owner, or his agent, or other person having charge or possession of any trunk, traveling bag, sack, valise, or other container, or of any closed vehicle, to open the same for inspection, or to furnish a key or other means for opening the same.

# PENALTY FOR FAILURE SUBMIT MERCHANDISE AND BAGGAGE TO INSPECTION

June 17, 1930, sec. 462 (19 U. S. C. 1462). If such owner, agent, or other person shall fail to comply with his demand, the officer shall retain such trunk, traveling bag, sack, valise, or other container or closed vehicle, and open the same, and, as soon thereafter as may be practicable, examine the contents, and if any article subject to duty or any article the importation of which is prohibited is found therein, the whole contents and the container or vehicle shall be subject to forfeiture.

Supplies.

June 17, 1930, sec. 465 (19 U. S. C. 1465). The master of any vessel of the United States documented to engage in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers shall, upon arrival from a foreign contiguous territory, file with the manifest of such vessel a detailed list of all supplies or other merchandise purchased in such foreign country for use or sale on such vessel, and also a statement of the cost of all repairs to and all equipment taken on board such vessel. The conductor or person in charge of any railway car arriving from a contigu-

ous country shall file with the manifest of such car a detailed list of all supplies or other merchandise purchased in such foreign country for use in the United States. If any such supplies, merchandise, repairs, or equipment shall not be reported, the master, conductor, or other person having charge of such vessel or vehicle shall be liable to a fine of not less than \$100 and not more than \$500, or to imprisonment for not more than two years, or both.

#### PENALTIES IN CONNECTION WITH

June 17, 1930, sec. 464 (19 U. S. C. 1464). If the master of such vessel or the person in charge of any such vehicle fails to proceed with reasonable promptness to the port of destination and to deliver such vessel or vehicle to the proper officers of the customs, or fails to proceed in accordance with such regulations of the Secretary of the Treasury, or unlades such merchandise or any part thereof at other than such port of destination, or disposes of any such merchandise by sale or otherwise, he shall be guilty of a felony and upon conviction thereof shall be fined not more than \$1,000 or imprisoned for not more than five years, or both; and any such vessel or vehicle, with its contents, shall be subject to forfeiture.

## SEALED VESSELS AND VEHICLES

June 17, 1930, sec. 463 (19 U. S. C. 1463). To avoid unnecessary inspection of merchandise imported from a contiguous country at the first port of arrival, the master of the vessel or the person in charge of the vehicle in which such merchandise is imported may apply to the customs officer of the United States stationed in the place from which such merchandise is shipped, and such officer may seal such vessel or vehicle. Any vessel or vehicle so sealed may proceed with such merchandise to the port of destination under such regulations as the Secretary of the Treasury may prescribe.

# Touching at Foreign Ports.

R. S. 3126 (19 U. S. C. 293). Any vessel, on being duly registered in pursuance of the laws of the United States, may engage in trade between one port in the United States and one or more ports within the same, with the privilege of touching at one or more foreign ports during the voyage, and land and take in thereat merchandise, passengers and their baggage, and letters, and mails. All such vessels shall be furnished by the collectors of the ports at which they shall take in their cargoes in the United States, with certified manifests, setting forth the particulars of the cargoes, the marks, number of packages, by whom shipped, to whom consigned, at what port to be delivered; designating such merchandise as is entitled to drawback, or to the privilege of being placed in warehouse; and the masters of all such vessels shall, on their arrival at any port of the United States from any foreign port at which such vessel may have touched, as herein provided, conform to the laws providing for the delivery of manifests of cargo and passengers taken on board at such foreign port, and all other laws regulating the report and

entry of vessels from foreign ports, and be subject to all the penalties therein prescribed.

#### Foreign Merchandise Coastwise

R. S. 3127 (19 U. S. C. 294). Any foreign merchandise taken in at one port of the United States to be conveyed in registered vessels to any other port within the same, either under the provisions relating to warehouses, or under the laws regulating the transportation coastwise of merchandise entitled to drawback, as well as any merchandise not entitled to drawback, but on which the import duties chargeable by law shall have been duly paid, shall not become subject to any import duty by reason of the vessel in which they may arrive having touched at a foreign port during the voyage.

Lading on Sundays, Holidays, or at Night.

June 17, 1930, sec. 452 (19 U. S. C. 1452). No merchandise or baggage entered for transportation under bond or for exportation with the benefit of drawback, or other merchandise or baggage required to be laden under customs supervision, shall be laden on any vessel or vehicle at night or on Sunday or a holiday, except under special license therefor to be issued by the collector under the same conditions and limitations as pertain to the unlading of imported merchandise or merchandise being transported in bond.

## Time for Unlading.

June 17, 1930, sec. 457 (19 U. S. C. 1457). Whenever any merchandise remains on board any vessel or vehicle from a foreign port more than twenty-five days after the date on which report of said vessel or vehicle was made, the collector may take possession of such merchandise and cause the same to be unladen at the expense and risk of the owners thereof, or may place one or more inspectors or other customs officers on board of said vessel or vehicle to protect the revenue. The compensation and expenses of any such inspector or customs officer for subsistence while on board of such vessel or vehicle shall be reimbursed to the Government by the owner or master of such vessel or vehicle.

#### BULK CARGO

June 17, 1930, sec. 458 (19 U. S. C. 1458). The limitation of time for unlading shall not extend to vessels laden exclusively with merchandise in bulk consigned to one consignee and arriving at a port for orders, but if the master of such vessel requests a longer time to discharge his cargo, the compensation of the inspectors or other customs officers whose services are required in connection with the unlading shall, for every day consumed in unlading in excess of twenty-five days from the date of the vessel's entry, be reimbursed by the master or owner of such vessel.

# Bonding of Carriers.

June 17, 1930, sec. 551 (19 U. S. C. 1551). Any common carrier of merchandise owning or operating railroad, steamship, or other transportation lines or routes for the transportation of merchandise in the United States, upon application and the filing of a bond in a

form and penalty and with such sureties as may be approved by the Secretary of the Treasury, may be designated as a carrier of bonded merchandise for the final release of which from customs custody a permit has not been issued.

Search of Persons and Baggage; Regulations.

June 17, 1930, sec. 582 (19 U. S. C. 1582). The Secretary of the Treasury may prescribe regulations for the search of persons and baggage and he is authorized to employ female inspectors for the examination and search of persons of their own sex; and all persons coming into the United States from foreign countries shall be liable to detention and search by authorized officers or agents of the Government under such regulations.

Offenses Relating to Seals; Unlawful Removal of Goods from Customs Custody.

June 17, 1930, sec. 598 (19 U. S. C. 1598). If any unauthorized person affixes, attaches, or in any way willfully assists or encourages the affixing or attaching of a customs seal, fastening, or mark, or any seal, fastening, or mark purporting to be a customs seal, fastening, or mark to any vessel, vehicle, warehouse, or package; or if any unauthorized person willfully or maliciously removes, breaks, injures, or defaces any customs seal or other fastening placed upon any vessel, vehicle, warehouse, or package containing merchandise or baggage in bond or in customs custody, or willfully aids, abets, or encourages any other person to remove, break, injure, or deface such seal, fastening, or mark; or if any person maliciously enters any bonded warehouse or any vessel or vehicle laden with or containing bonded merchandise with intent unlawfully to remove or cause to be removed therefrom any merchandise or baggage therein, or unlawfully removes or causes to be removed any merchandise or baggage in such vessel, vehicle, or bonded warehouse or otherwise in customs custody or control, or aids or assists therein; or if any person receives or transports any merchandise or baggage unlawfully removed from any such vessel, vehicle, or warehouse, knowing the same to have been unlawfully removed, he shall be guilty of a felony and liable to the same penalties as are imposed by section 593 of this Act. (June 25, 1938, sec. 26.)

Boarding and Discharging Inspectors.

June 17, 1930, sec. 455 (19 U. S. C. 1455). The collector for the district in which any vessel or vehicle arrives from a foreign port or place may put on board of such vessel or vehicle while within such district, and if necessary while going from one district to another, one or more inspectors or other customs officers to examine the cargo and contents of such vessel or vehicle and superintend the unlading thereof, and to perform such other duties as may be required by law or the customs regulations for the protection of the revenue. Such inspector or other customs officer may, if he shall deem the same necessary for the protection of the revenue, secure the hatches or other communications or outlets of such vessel or vehicle with customs seals or other proper fastenings while such vessel is not in the act of unlading and such fastenings shall not be removed without permission of the inspector or other customs officer. Such inspector or other customs officer may require any vessel or vehicle to discontinue or

suspend unlading during the continuance of unfavorable weather or any conditions rendering the discharge of cargo dangerous or detrimental to the revenue. Any officer, owner, agent of the owner, or member of the crew of any such vessel who obstructs or hinders any such inspector or other customs officer in the performance of his duties, shall be liable to a penalty of not more than \$500.

Compensation and Expenses of Inspectors Between Ports.

June 17, 1930, sec. 456 (19 U. S. C. 1456). The compensation of any inspector or other customs officer, stationed on any vessel or vehicle while proceeding from one port to another and returning therefrom, shall be reimbursed to the Government by the master or owner of such vessel, together with the actual expenses of such inspector or customs officer for subsistence, or in lieu of such expenses such vessel or vehicle may furnish such inspector or customs officer the accommodations usually supplied to passengers.

Officers not to be Interested in Vessels or Cargo.

evidence that the same was contrary to law.

June 17, 1930, sec. 599 (19 U. S. C. 1599). No person employed under the authority of the United States, in the collection of duties on imports or tonnage, shall own, either in whole or in part, any vessel, or act as agent, attorney, or consignee for the owner or owners of any vessel, or of any cargo or lading on board the same; nor shall any such person import, or be concerned directly or indirectly in the importation of, any merchandise for sale into the United States. Every person who violates this section shall be liable to a penalty of \$500.

June 17, 1930, sec. 600 (19 U. S. C. 1600). Any officer or employee of the United States who, except in payment of the duties or exactions fixed by law, solicits, demands, exacts, or receives from any person, directly or indirectly, any gratuity, money, or thing of value, for any service performed under the customs laws, or in consideration of any official act to be performed by him, or of the omission of performance of any such act, in connection with or pertaining to the importation, entry, inspection or examination, or appraisement of merchandise or baggage, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding \$5,000, or by imprisonment for not more than two years, or both, and evi-

dence, satisfactory to the court in which the trial is had, of such soliciting, demanding, exacting, or receiving shall be prima facie

Bribery.

Gratuities.

June 17, 1930, sec. 601 (19 U. S. C. 1601). Any person who gives, or offers to give, or promises to give, any money or thing of value, directly or indirectly, to any officer or employee of the United States in consideration of or for any act or omission contrary to law in connection with or pertaining to the importation, appraisement, entry, examination, or inspection of merchandise or baggage, or of the liquidation of the entry thereof, or by threats or demands or promises of any character attempts to improperly influence or control any such officer or employee of the United States as to the performance of his official duties, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding \$5,000 or by im-

prisonment for a term not exceeding two years, or both, and evidence of such giving, offering, or promising to give, or attempting to influence or control, satisfactory to the court in which such trial is had, shall be prima facie evidence that the same was contrary to law.

#### Libel of Vessels and Vehicles.

June 17, 1930, sec. 594 (19 U. S. C. 1594.) Whenever a vessel or vehicle, or the owner or master, conductor, driver, or other person in charge thereof, has become subject to a penalty for violation of the customs-revenue laws of the United States, such vessel or vehicle shall be held for the payment of such penalty and may be seized and proceeded against summarily by libel to recover the same: Provided, That no vessel or vehicle used by any person as a common carrier in the transaction of business as such common carrier shall be so held or subject to seizure or forfeiture under the customs laws, unless it shall appear that the owner or master of such vessel or the conductor, driver, or other person in charge of such vehicle was at the time of the alleged illegal act a consenting party or privy thereto.

# Seizure; Report to Collector.

June 17, 1930, sec. 602 (19 U. S. C. 1602). It shall be the duty of any officer, agent, or other person authorized by law to make seizures of merchandise or baggage subject to seizure for violation of the customs laws, to report every such seizure immediately to the collector for the district in which such violation occurred, and to turn over and deliver to such collector any vessel, vehicle, merchandise, or baggage seized by him, and to report immediately to such collector every violation of the customs laws.

# Examination of Hovering Vessels.

June 17, 1930, sec. 587 (19 U. S. C. 1587). (a) Any hovering vessel, or any vessel which fails (except for unavoidable cause), at any place within the customs waters or within a customs-enforcement area established under the Anti-Smuggling Act, to display lights as required by law, or which has become subject to pursuit as provided in section 581 of this Act, or which, being a foreign vessel to which subsection (h) of said section 581 applies, is permitted by special arrangement with a foreign government to be so examined without the customs waters of the United States, may at any time be boarded and examined by any officer of the customs, and the provisions of said section 581 shall apply thereto, as well without as within his district, and in examining the same, any such officer may also examine the master upon oath respecting the cargo and voyage of the vessel, and may also bring the vessel into the most convenient port of the United States to examine the cargo, and if the master of said vessel refuses to comply with the lawful directions of such officer or does not truly answer such questions as are put to him respecting the vessel, its cargo, or voyage, he shall be liable to a penalty of not more than \$5,000 nor less than \$500. If, upon the examination of any such vessel or its cargo by any officer of the customs, any dutiable merchandise destined to the United States is found, or discovered to have been, on board thereof, the vessel and its cargo shall be seized and forfeited. It shall be presumed that any merchandise (sea stores excepted), the importation of which into the United States is prohibited, or which consists of any spirits, wines, or other alcoholic liquors, so found, or discovered to have been, on board thereof, is

destined to the United States.

(b) If any vessel laden with cargo be found at any place in the United States or within the customs waters or within a customs-enforcement area established under the Anti-Smuggling Act and such vessel afterwards is found light or in ballast or having discharged its cargo or any part thereof, and the master is unable to give a due account of the port or place at which the cargo, or any part thereof, consisting of any merchandise the importation of which into the United States is prohibited or any spirits, wines, or other alcoholic liquors, was lawfully discharged, the vessel shall be seized and forfeited.

(c) Nothing contained in this section shall be construed to render any vessel liable to forfeiture which is bona fide bound from one foreign port to another foreign port, and which is pursuing her course, wind and weather permitting. (Aug. 5, 1935, sec. 206.)

Boarding Vessels.

June 17, 1930, sec. 581 (19 U. S. C. 1581). (a) Any officer of the customs may at any time go on board of any vessel or vehicle at any place in the United States or within the customs waters or, as he may be authorized, within a customs-enforcement area established under the Anti-Smuggling Act, or at any other authorized place, without as well as within his district, and examine the manifest and other documents and papers and examine, inspect, and search the vessel or vehicle and every part thereof and any person, trunk, package, or cargo on board, and to this end may hail and stop such vessel or vehicle, and use all necessary force to compel compliance.

(b) Officers of the Department of Commerce and other persons authorized by such department may go on board of any vessel at any place in the United States or within the customs waters and hail, stop, and board such vessel in the enforcement of the navigation laws and arrest or, in case of escape or attempted escape, pursue and arrest any person engaged in the breach or violation of the

navigation laws.

(c) Any master of a vessel being examined as herein provided, who presents any forged, altered, or false document or paper to the examining officer, knowing the same to be forged, altered, or false and without revealing the fact shall, in addition to any forfeiture to which in consequence the vessel may be subject, be liable

to a fine of not more than \$5,000 nor less than \$500.

(d) Any vessel or vehicle which, at any authorized place, is required to come to a stop by any officer of the customs, or is required to come to a stop by signal made by any vessel employed in the service of the customs displaying the ensign and pennant prescribed for such vessel by the President, shall come to a stop, and upon failure to comply, a vessel so required to come to a stop shall become subject to pursuit and the master thereof shall be liable to a fine of not more than \$5,000 nor less than \$1,000. It shall be the duty of the several officers of the customs to pursue any vessel which may become subject to pursuit, and to board and examine the same, and to examine any person or merchandise on board, without as well as within their respective districts and at any place upon

the high seas or, if permitted by the appropriate foreign authority, elsewhere where the vessel may be pursued as well as at any other

authorized place.

(e) If upon the examination of any vessel or vehicle it shall appear that a breach of the laws of the United States is being or has been committed so as to render such vessel or vehicle, or the merchandise, or any part thereof, on board of, or brought into the United States by, such vessel or vehicle, liable to forfeiture or to secure any fine or penalty, the same shall be seized and any person who has engaged in such breach shall be arrested.

(f) It shall be the duty of the several officers of the customs to seize and secure any vessel, vehicle, or merchandise which shall become liable to seizure, and to arrest any person who shall become liable to arrest, by virtue of any law respecting the revenue, as well without as within their respective districts, and to use all necessary force

to seize or arrest the same.

(g) Any vessel, within or without the customs waters, from which any merchandise is being, or has been, unlawfully introduced into the United States by means of any boat belonging to, or owned, controlled, or managed in common with, said vessel, shall be deemed to be employed within the United States and, as such, subject to

the provisions of this section.

(h) The provisions of this section shall not be construed to authorize or require any officer of the United States to enforce any law of the United States upon the high seas upon a foreign vessel in contravention of any treaty with a foreign government enabling or permitting the authorities of the United States to board, examine, search, seize, or otherwise to enforce upon said vessel upon the high seas the laws of the United States except as such authorities are or may otherwise be enabled or permitted under special arrangement with such foreign government. (Aug. 5, 1935, sec. 203.)

# Regulations as to Boarding Arriving Vessels Before Inspection.

Mar. 31, 1900, sec. 1 (46 U. S. C. 163). The Secretary of Commerce is hereby authorized and directed to prescribe from time to time and enforce regulations governing the boarding of vessels arriving at the seaports of the United States, before such vessels have been properly inspected and placed in security, and for that purpose to employ any of the officers of that department.

Sec. 2. Each person violating such regulations shall be subject to a penalty of not more than \$100 or imprisonment not to exceed six

months, or both, in the discretion of the court.

Sec. 3. This Act shall be construed as supplementary to section 9 of chapter 374 of the statutes of 1882, and section 4606 [46 U. S. C. 158 and 708] of the Revised Statutes.

# Boarding and Search of Vessel.

R. S. 3068 (18 U. S. C. 122). If the master of any vessel shall obstruct or hinder, or shall intentionally cause any obstruction or hindrance to any officer in lawfully going on board such vessel, for the purpose of carrying into effect any of the revenue or navigation laws of the United States, he shall for every such offense be liable to a penalty of not more than \$2,000 nor less than \$500. (Aug. 5, 1935, sec. 307.) See secs. 455, 456, 581, Tariff Act, 1930, pp. 333, 334, 336.

Seizure of Vessels or Merchandise.

R. S. 3071 (19 U. S. C. 507). Every officer or other person authorized to make searches and seizures by this Title [R. S. 2517-3129] shall, at the time of executing any of the powers conferred upon him, make known, upon being questioned, his character as an officer or agent of the customs or Government, and shall have authority to demand of any person within the distance of three miles to assist him in making any arrests, search, or seizure authorized by this Title, where such assistance may be necessary; and if such person shall, without reasonable excuse, neglect or refuse so to assist, upon proper demand, he shall be deemed guilty of a misdemeanor, punishable by a fine of not more than \$200, nor less than \$5.

Persons Making Seizures Pleading General Issue and Proving Special Matter

R. S. 3073 (19 U. S. C. 508). If any officer, or other person, executing or aiding or assisting in the seizure of goods, under any act providing for or regulating the collection of duties on imports or tonnage, is sued for anything done in virtue of the powers given thereby, or by virtue of a warrant granted by any judge, or justice, pursuant to law, he may plead the general issue and give such act and the special matter in evidence.

## COLLECTOR TO RECEIVE AMOUNT RECOVERED

R. S. 3087 (19 U. S. C. 528). The collector within whose district any seizure shall be made or forfeiture incurred for any violation of the duty laws is hereby enjoined to cause suits for the same to be commenced without delay, and prosecuted to effect; and is, moreover, authorized to receive from the court within which such trial is had, or from the proper officer thereof, the sum recovered, after deducting all proper charges to be allowed by the court; and on receipt thereof he shall pay and distribute the same without delay, according to law.

#### FORFEITURES

- R. S. 3062 (19 U. S. C. 483). (a) All vessels, with the tackle, apparel, and furniture thereof, and all vehicles, animals, aircraft, and things with the tackle, harness, and equipment thereof, used in, or employed to aid in, or to facilitate by obtaining information or otherwise, the unlading, bringing in, importation, landing, removal, concealment, harboring, or subsequent transportation of any merchandise upon the same or otherwise unlawfully introduced, or attempted to be introduced into the United States, shall be seized and forfeited.
- (b) Any member of the crew of any such vessel and any person who assists, finances, directs, or is otherwise concerned in the unlading, bringing in, importation, landing, removal, concealment, harboring, or subsequent transportation of any such merchandise exceeding \$100 in value, or into whose control or possession the same shall come without lawful excuse, shall, in addition to any other penalty, be liable to a penalty equal to the value of such goods, to

be recovered in any court of competent jurisdiction, or to imprisonment for not more than five years, or both. (Aug. 5, 1935, sec. 203.) Illegal Boarding of Vessel.

R. S. 4606 (46 U. S. C. 708). Every person who, not being in the United States service, and not being duly authorized by law for the purpose, goes on board any vessel about to arrive at the place of her destination, before her actual arrival, and before she has been completely moored, without permission of the master, shall, for every such offense, be punishable by a fine of not more than \$200, and by imprisonment for not more than six months; and the master of such vessel may take any such person so going on board into custody, and deliver him up forthwith to any constable or police officer, to be by him taken before any justice of the peace, to be dealt with according to the provisions of this Title. [R. S. 4501-4613.]

## Oaths of Masters and Owners.

R. S. 3094 (19 U. S. C. 574). Nothing contained in this Title [R. S. 2517-3094, 19 U. S. C. 1-577] shall be construed to exempt the masters or owners of vessels from making and subscribing any oaths required by any laws of the United States not immediately relating to the collection of the duties on the importation of merchandise into the United States.

# Chapter XXIII.—FOREIGN TRADE ZONES

Definitions.

June 18, 1934, sec. 1 (19 U. S. C. 81a). When used in this Act—

(a) The term "Secretary" means the Secretary of Commerce;(b) The term "Board" means the Board which is hereby established to carry out the provisions of this Act. The Board shall consist of the Secretary of Commerce, who shall be chairman and executive officer of the Board, the Secretary of the Treasury, and the Secretary of War;

(c) The term "State" includes any State, the District of Colum-

bia, Alaska, Hawaii, and Puerto Rico;

(d) The term "corporation" means a public corporation and a

private corporation, as defined in this Act;

(e) The term "public corporation" means a State, political subdivision thereof, a municipality, a public agency of a State, political subdivision thereof, or municipality, or a corporate municipal

instrumentality of one or more States;

(f) The term "private corporation" means any corporation (other than a public corporation) which is organized for the purpose of establishing, operating, and maintaining a foreign-trade zone and which is chartered under special Act enacted after the date of enactment of this Act of the State or States within which it is to operate such zone;

(g) The term "applicant" means a corporation applying for the

right to establish, operate, and maintain a foreign-trade zone;
(h) The term "grantee" means a corporation to which the privilege of establishing, operating, and maintaining a foreign-trade zone has been granted;

(i) The term "zone" means a "foreign-trade zone" as provided

in this Act.

Authorization of the Establishment of Zones; Number; Preference as Between Corporations.

June 18, 1934, sec. 2 (19 U. S. C. 81b). (a) The Board is hereby authorized, subject to the conditions and restrictions of this Act and of the rules and regulations made thereunder, upon application as hereinafter provided, to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent

to ports of entry under the jurisdiction of the United States.

(b) Each port of entry shall be entitled to at least one zone, but when a port of entry is located within the confines of more than one State such port of entry shall be entitled to a zone in each of such States, and when two cities separated by water are embraced in one port of entry, a zone may be authorized in each of said cities or in territory adjacent thereto. Zones in addition to those to which a port of entry is entitled shall be authorized only if the Board finds that existing or authorized zones will not adequately serve the convenience of commerce.

(c) In granting applications preference shall be given to public

corporations.

(d) In case of any State in which harbor facilities of any port of entry are owned and controlled by the State and in which State harbor facilities of any other port of entry are owned and controlled by a municipality, the Board shall not grant an application by any public corporation for the establishment of any zone in such State, unless such application has been authorized by an act of the legislature of such State (enacted after the date of enactment of this Act).

Admission of Foreign Merchandise; Treatment; Shipment to Customs Territory; Appraisal; Reshipment to Zone.

June 18, 1934, sec. 3 (19 U. S. C. 81c). Foreign and domestic merchandise of every description, except such as is prohibited by law, may, without being subject to the customs laws of the United States, except as otherwise provided in this Act, be brought into a zone and may not be manufactured or exhibited in such zone but may be stored, broken up, repacked, assembled, distributed, sorted, graded, cleaned, mixed with foreign or domestic merchandise, or otherwise manipulated, and be exported, and foreign merchandise may be sent into customs territory of the United States therefrom, in the original package or otherwise; but when foreign merchandise is so sent from a zone into customs territory of the United States it shall be subject to the laws and regulations of the United States affecting imported merchandise: Provided, That when the privilege shall be requested the collector of customs shall supervise the unlading of foreign merchandise in the zone, cause such merchandise or any portion thereof to be appraised and the duties liquidated thereon. Thereafter it may be stored or manipulated under the supervision and regulations prescribed by the Secretary of the Treasury, and within 2 years after such unlading such merchandise, whether mixed with domestic merchandise or not, may be sent into customs territory upon the payment of such liquidated duties thereon; and if not so sent into customs territory within such period of two years such merchandise shall be disposed of under rules and regulations prescribed by the Secretary of the Treasury and out of the proceeds the duties shall be paid and the remainder, if any, shall be delivered to the owners of the property: Provided further, That subject to such regulations respecting identity and the safeguarding of the revenue as the Secretary of the Treasury may deem necessary, articles the growth, product, or manufacture of the United States, and articles previously imported on which duty has been paid, or which have been admitted free of duty, may be taken into a zone from the customs territory of the United States, and may be brought back thereto free of duty, whether or not they have been combined with or made part, while in such zone, of other articles: Provided, That if in the opinion of the Secretary of the Treasury their identity has not been lost such articles not entitled to free entry by reason of noncompliance with the requirements made hereunder by the Secretary of the Treasury shall be treated when they reenter the customs territory of the United States as foreign merchandise under the provisions of the tariff laws in force at that time.

Customs Officers and Guards.

June 18, 1934, sec. 4 (19 U. S. C. 81d). The Secretary of the Treasury shall assign to the zones the necessary customs officers and

guards to protect the revenue and to provide for the admission of foreign merchandise into customs territory.

Vessels Entering or Leaving Zone; Coastwise Trade.

June 18, 1934, sec. 5 (19 U. S. C. 81e). Vessels entering or leaving a zone shall be subject to the operation of all the laws of the United States, except as otherwise provided in this Act, and vessels leaving a zone and arriving in customs territory of the United States shall be subject to such regulations to protect the revenue as may be prescribed by the Secretary of the Treasury. Nothing in this Act shall be construed in any manner so as to permit vessels under foreign flags to carry goods or merchandise shipped from one foreign trade zone to another zone or port in the protected coastwise trade of the United States.

Application for Establishment of Zone; Expansion of Zone.

June 18, 1934, sec. 6 (19 U. S. C. 81f). Each application shall

state in detail—

(1) The location and qualifications of the area in which it is proposed to establish a zone, showing (A) the land and water or land or water area or land area alone if the application is for its establishment in or adjacent to an interior port; (B) the means of segregation from customs territory; (C) the fitness of the area for a zone; and (D) the possibilities of expansion of the zone area;

(2) The facilities and appurtenances which it is proposed to provide and the preliminary plans and estimates of the cost thereof, and the existing facilities and appurtenances which it is proposed to

utilize;

(3) The time within which the applicant proposes to commence and complete the construction of the zone and facilities and appurtenances;

(4) The methods proposed to finance the undertaking;(5) Such other information as the Board may require.

(b) The Board may upon its own initiative or upon request permit the amendment of the application. Any expansion of the area of an established zone shall be made and approved in the same manner as an original application.

Granting of Application.

JUNE 18, 1934, sec. 7 (19 U. S. C. 81g). If the Board finds that the proposed plans and location are suitable for the accomplishment of the purpose of a foreign trade zone under this Act, and that the facilities and appurtenances which it is proposed to provide are sufficient it shall make the grant.

Rules and Regulations.

JUNE 18, 1934, sec. 8 (19 U. S. C. 81h). The Board shall prescribe such rules and regulations not inconsistent with the provisions of this Act or the rules and regulations of the Secretary of the Treasury made hereunder and as may be necessary to carry out this Act.

Cooperation of Board With Other Agencies.

June 18, 1934, sec. 9 (19 U. S. C. 81i). The Board shall cooperate with the State, subdivision, and municipality in which the zone is located in the exercise of their police, sanitary, and other powers in

and in connection with the free zone. It shall also cooperate with the United States Customs Service, the Post Office Department, the Public Health Service, the Bureau of Immigration, and such other Federal agencies as have jurisdiction in ports of entry described in section 2.

Cooperation of Other Agencies With Board.

June 18, 1934, sec. 10 (19 U. S. C. 81j). For the purpose of facilitating the investigations of the Board and its work in the granting of the privilege, in the establishment, operation, and maintenance of a zone, the President may direct the executive departments and other establishments of the Government to cooperate with the Board, and for such purpose each of the several departments and establishments is authorized, upon direction of the President, to furnish to the Board such records, papers, and information in their possession as may be required by him, and temporarily to detail to the service of the Board such officers, experts, or engineers as may be necessary.

Agreements as to Use of Property.

June 18, 1934, sec. 11 (19 U. S. C. 81k). If the title to or right of user of any of the property to be included in a zone is in the United States, an agreement to use such property for zone purposes may be entered into between the grantee and the department or officer of the United States having control of the same, under such conditions, approved by the Board and such department or officer, as may be agreed upon.

Facilities to be Provided and Maintained.

June 18, 1934, sec. 12 (19 U. S. C. 811). Each grantee shall pro-

vide and maintain in connection with the zone-

(a) Adequate slips, docks, wharves, warehouses, loading and unloading and mooring facilities where the zone is adjacent to water; or, in the case of an inland zone, adequate loading, unloading, and warehouse facilities;

(b) Adequate transportation connections with the surrounding territory and with all parts of the United States, so arranged as to permit of proper guarding and inspection for the protection of the

revenue:

(c) Adequate facilities for coal or other fuel and for light and power;

(d) Adequate water and sewer mains;

(e) Adequate quarters and facilities for the officers and employees of the United States, State, and municipality whose duties may re-

quire their presence within the zone;

(f) Adequate enclosures to segregate the zone from customs territory for protection of the revenue, together with suitable provisions for ingress and egress of persons, conveyances, vessels, and merchandise;

(g) Such other facilities as may be required by the Board.

Permission to Others to Use Zone.

June 18, 1934, sec. 13 (19 U. S. C. 81m). The grantee may, with the approval of the Board, and under reasonable and uniform regulations for like conditions and circumstances to be prescribed by it,

permit other persons, firms, corporations, or associations to erect such buildings and other structures within the zone as will meet their particular requirements: *Provided*, That such permission shall not constitute a vested right as against the United States, nor interfere with the regulation of the grantee or the permitee by the United States, nor interfere with or complicate the revocation of the grant by the United States: *And provided further*, That in the event of the United States or the grantee desiring to acquire the property of the permittee no good will shall be considered as accruing from the privilege granted to the zone: *And provided further*, That such permits shall not be granted on terms that conflict with the public use of the zone as set forth in this Act.

Operation of Zone as Public Utility; Cost of Customs Service.

June 18, 1934, sec. 14 (19 U. S. C. 81n). Each zone shall be operated as a public utility, and all rates and charges for all services or privileges within the zone shall be fair and reasonable, and the grantee shall afford to all who may apply for the use of the zone and its facilities and appurtenances uniform treatment under like conditions, subject to such treaties or commercial conventions as are now in force or may hereafter be made from time to time by the United States with foreign governments and the cost of maintaining the additional customs service required under this Act shall be paid by the operator of the zone.

Residents; Rules as to Entering and Leaving; Exclusion of Goods; Retail Trade.

June 18, 1934, sec. 15 (19 U. S. C. 810). (a) No person shall be allowed to reside within the zone except Federal, State, or municipal officers or agents whose resident presence is deemed necessary by the Board.

(b) The Board shall prescribe rules and regulations regarding employees and other persons entering and leaving the zone. All rules and regulations concerning the protection of the revenue shall be approved by the Secretary of the Treasury.

(c) The Board may at any time order the exclusion from the zone of any goods or process of treatment that in its judgment is detri-

mental to the public interest, health, or safety.

(d) No retail trade shall be conducted within the zone except under permits issued by the grantee and approved by the Board. Such permittees shall sell no goods except such domestic or duty-paid or duty-free goods as are brought into the zone from customs territory.

Accounts; Reports of Grantee; Reports of Commission.

JUNE 18, 1934, sec. 16 (19 U. S. C. 81p). (a) The form and manner of keeping the accounts of each zone shall be prescribed by the Board.

(b) Each grantee shall make to the Board annually, and at such other times as it may prescribe, reports containing a full statement of all the operations, receipts, and expenditures, and such other information as the Board may require.

(c) The Board shall make a report to Congress on the first day of each regular session containing a summary of the operation and

fiscal condition of each zone and transmit therewith copies of the annual report of each grantee.

### Transfer of Grant.

June 18, 1934, sec. 17 (19 U. S. C. 81q). The grant shall not be sold, conveyed, tranferred, set over, or assigned.

Revocation of Grant; Grounds; Proceedings; Appeal to Circuit Court of Appeals.

June 18, 1934, sec. 18. (19 U. S. C. 81r). (a) In the event of repeated willful violations of any of the provisions of this Act by the grantee, the Board may revoke the grant after four months' notice to the grantee and affording it an opportunity to be heard. The testimony taken before the Board shall be reduced to writing and filed in the records of the Board, together with the decision reached thereon.

(b) In the conduct of any proceeding under this section for the revocation of a grant the Board may compel the attendance of witnesses and the giving of testimony and the production of documentary evidence, and for such purpose may invoke the aid of the

district courts of the United States.

(c) An order under the provisions of this section revoking the grant issued by the Board shall be final and conclusive, unless within ninety days after its service the grantee appeals to the circuit court of appeals for the circuit in which the zone is located by filing with the clerk of said court, a written petition praying that the order of the Board be set aside. Such order shall be stayed pending the disposition of appellate proceedings by the court. The clerk of the court in which such a petition is filed shall immediately cause a copy thereof to be delivered to the Board and it shall forthwith prepare, certify, and file in the court a full and accurate transcript of the record in the proceedings held before it under this section, the charges, the evidence, and the order revoking the grant. The testimony and evidence taken or submitted before the Board, duly certified and filed as a part of the record, shall be considered by the court as the evidence in the case.

#### Offenses.

June 18, 1934, sec. 19 (19 U. S. C. 81s). In case of a violation of this Act, or any regulation under this Act, by the grantee, any officer, agent, or employee thereof responsible for or permitting any such violation shall be subject to a fine of not more than \$1,000. Each day during which a violation continues shall constitute a separate offense.

## Separability of Provisions.

June 18, 1934, sec. 20 (19 U. S. C. 81t). If any provision of this Act or the application of such provision to certain circumstances be held invalid, the remainder of the Act and the application of such provisions to circumstances other than those as to which it is held invalid shall not be affected thereby.

# Right to Alter, Amend, or Repeal Act.

June 18, 1934, sec. 21 (19 U. S. C. 81u). The right to alter, amend, or repeal this Act is hereby reserved.

# Chapter XXIV .-- ENTRANCE AND CLEARANCE, AIRCRAFT

Ports of Entry for Aircraft; Application of Laws and Regulations by Secretary of the Treasury.

May 20, 1926, sec. 7b (49 U. S. C. 177b). The Secretary of the Treasury is authorized to (1) designate places in the United States as ports of entry for civil aircraft arriving in the United States from any place outside thereof and for merchandise carried on such aircraft, (2) detail to ports of entry for civil aircraft such officers and employees of the customs service as he may deem necessary, and to confer or impose upon any officer or employee of the United States stationed at any such port of entry (with the consent of the head of the Government department or other independent establishment under whose jurisdiction the officer or employee is serving) any of the powers, privileges, or duties conferred or imposed upon officers or employees of the customs service, and (3) by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of the customs and public health laws to such extent and upon such conditions as he deems necessary.

Secretary of Commerce May Apply Laws Pertaining Entrance and Clearance of Vessels to Aircraft.

May 20, 1926, sec. 7c (49 U. S. C. 177c). The Secretary of Commerce is authorized by regulation to provide for the application to civil aircraft of the laws and regulations relating to the entry and clearance of vessels to such extent and upon such conditions as he deems necessary.

Secretary of Labor May Apply Immigration Laws Pertaining to Vessels to

May 20, 1926, sec. 7d (49 U. S. C. 177d). The Secretary of Labor is authorized to (1) designate any of the ports of entry for civil aircraft as ports of entry for aliens arriving by aircraft, (2) detail to such ports of entry such officers and employees of the immigration service as he may deem necessary, and to confer or impose upon any employee of the United States stationed at such port of entry (with the consent of the head of the Government department or other independent establishment under whose jurisdiction the officer or employee is serving) any of the powers, privileges, or duties conferred or imposed upon officers or employees of the immigration service, and (3) by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of the immigration laws to such extent and upon such conditions as he deems necessary.

Terms Used in Air Commerce Act Defined.

May 20, 1926, sec. 9b (49 U. S. C. 179b). The term "United States," when used in a geographical sense, means the territory com-

prising the several States, Territories, possessions, and the District of Columbia (including the territorial waters thereof), and the overlying airspace; but shall not include the Canal Zone.

Penalties for Violation of Laws and Regulations Made Applicable to Aircraft.

May 20, 1926, sec. 11b (49 U. S. C. 181b). Any person who (1) violates any entry or clearance regulation made under section 7 (c) of this Act, or (2) any immigration regulation made under such section, shall be subject to a civil penalty of \$500 which may be remitted or mitigated by the Secretary of Commerce, or the Secretary of Labor, respectively, in accordance with such proceedings as the Secretary shall by regulation prescribe. Any person violating any customs or public health regulation made under section 7 (b) of this Act, or any provision of the customs or public-health laws or regulations thereunder made applicable to aircraft by regulation under such section shall be subject to a civil penalty of \$500, and any aircraft used in connection with any such violation shall be subject to seizure and forfeiture as provided for in such customs or public-health laws, which penalty and forfeiture may be remitted or mitigated by the Secretary of the Treasury. In case the violation is by the owner or person in command of the aircraft, the penalty shall be a lien against the aircraft. Any civil penalty imposed under this section may be collected by proceedings in personam against the person subject to the penalty and/or in case the penalty is a lien, by proceedings in rem against the aircraft. Such proceedings shall conform as nearly as may be to civil suits in admiralty; except that either party may demand trial by jury of any issue of fact, if the value in controversy exceeds \$20, and facts so tried shall not be reexamined other than in accordance with the rules of the common law. The fact that in a libel in rem the seizure is made at a place not upon the high seas or navigable waters of the United States, shall not be held in any way to limit the requirement of the conformity of the proceedings to civil suits in rem in admiralty. Supreme Court of the United States, and under its direction other courts of the United States, are authorized to prescribe rules regulating such proceedings in any particular not provided by law. The determination under this section as to the remission or mitigation of a civil penalty imposed under this section shall be final. In case libel proceedings are pending at any time during the pendency of remission or mitigation proceedings, the Secretary shall give notice thereof to the United States attorney prosecuting the libel proceedings. (June 23, 1938, sec. 1107 (i) (9).)

Summary Seizure Aircraft Authorized.

May 20, 1926, sec. 11c (49 U. S. C. 181c). Any aircraft subject to a lien for any civil penalty imposed under this section may be summarily seized by and placed in the custody of such persons as the appropriate Secretary may by regulation prescribe and a report of the case thereupon transmitted to the United States attorney for the judicial district in which the seizure is made. The United States attorney shall promptly institute proceedings for the enforcement of the lien or notify the Secretary of his failure so to act. The aircraft shall be released from such custody upon (1) payment of the

penalty or so much thereof as is not remitted or mitigated, (2) seizure in pursuance of process of any court in proceedings in rem for enforcement of the lien, or notification by the United States attorney of failure to institute such proceedings, or (3) deposit of a bond in such amount and with such sureties as the Secretary may prescribe, conditioned upon the payment of the penalty or so much thereof as is not remitted or mitigated.

Application of Section 7 Air Commerce Act.

JUNE 17, 1930, sec. 644 (19 U. S. C. 1644). The authority vested by section 7 of the Air Commerce Act of 1926 in the Secretary of the Treasury, and in the Secretary of Commerce, by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of customs, and of the laws and regulations relating to the entry and clearance of vessels, respectively, shall extend to the application in like manner of any of the provisions of this Act (Tariff Act, 1930) or of any regulations promulgated hereunder.

## Chapter XXV .-- ANTI-SMUGGLING ACT

Customs-Enforcement Area; Boarding Vessels.

Aug. 5, 1935, sec. 1 (19 U. S. C. 1701). (a) Whenever the President finds and declares that at any place or within any area on the high seas adjacent to but outside customs waters any vessel or vessels hover or are being kept off the coast of the United States and that, by virtue of the presence of any such vessel or vessels at such place or within such area, the unlawful introduction or removal into or from the United States of any merchandise or person is being or may be occasioned, promoted, or threatened, the place or area so found and declared shall constitute a customs-enforcement area for the purposes of this Act. Only such waters on the high seas shall be within a customs-enforcement area as the President finds and declares are in such proximity to such vessel or vessels that such unlawful introduction or removal of merchandise or persons may be carried on by or to or from such vessel or vessels. No customs-enforcement area shall include any waters more than one hundred nautical miles from the place or immediate area where the President declares such vessel or vessels are hovering or are being kept and, notwithstanding the foregoing provision, shall not include any waters more than fifty nautical miles outwards from the outer limit of customs waters. Whenever the President finds that, within any customs-enforcement area, the circumstances no longer exist which gave rise to the declaration of such area as a customs-enforcement area, he shall so declare, and thereafter, and until a further finding and declaration is made under this subsection with respect to waters within such area, no waters within such area shall constitute a part of such customs-enforcement area. The provisions of law applying to the high seas adjacent to customs waters of the United States shall be enforced in a customs-enforcement area upon any vessel, merchandise, or person found therein.

(b) At any place within a customs-enforceemnt area the several officers of the customs may go on board of any vessel and examine the vessel and any merchandise or person on board, and bring the same into port, and, subject to regulations of the Secretary of the Treasury, it shall be their duty to pursue and seize or arrest and otherwise enforce upon such vessel, merchandise, or person, the provisions of law which are made effective thereto in pursuance of subsection (a) in the same manner as such officers are or may be authorized or required to do in like case at any place in the United States by virtue of any law respecting the revenue: Provided, That nothing contained in this section or in any other provision of law respecting the revenue shall be construed to authorize or to require any officer of the United States to enforce any law thereof upon the high seas upon a foreign vessel in contravention of any treaty with a foreign government enabling or permitting the authorities of the United States to board, examine, search, seize, or otherwise to enforce upon such vessel upon the high seas the laws of the United States except as such authorities are or may otherwise be enabled or permitted

under special arrangement with such foreign government: *Provided further*, That none of the provisions of this Act shall be construed to relieve the Secretary of Commerce of any authority, responsibility, or jurisdiction now vested in or imposed on that officer.

Employment or Permitting the Employment of Vessel in Smuggling.

Aug. 5, 1935, sec. 2 (19 U. S. C. 1702). (a) Any person owning in whole or in part any vessel of the United States who employs, or participates in, or allows the employment of, such vessel for the purpose of smuggling, or attempting to smuggle, or assisting in smuggling, any merchandise into the territory of any foreign government in violation of the laws there in force, if under the laws of such foreign government any penalty or forfeiture is provided for violation of the laws of the United States respecting the customs revenue, and any citizen of, or person domiciled in, or any corporation incorporated in, the United States, controlling or substantially participating in the control of any such vessel, directly or indirectly, whether through ownership of corporate shares or otherwise, and allowing the employment of said vessel for any such purpose, and any person found, or discovered to have been, on board of any such vessel so employed and participating or assisting in any such purpose, shall be liable to a fine of not more than \$5,000 or to imprisonment for not more than two years, or to both such fine and imprisonment.

(b) It shall consitute an offense under this section to hire out or charter a vessel if the lessor or charterer has knowledge that, or if such vessel is leased or chartered under circumstances which would give rise to a reasonable belief that, the lessee or person chartering the vessel intends to employ such vessel for any of the purposes described in subsection (a) and if such vessel is, during the time such lease or charter is in effect, employed for any such purpose.

Seizure and Forfeiture of Vessels; Acts Constituting Prima Facie Evidence Vessel Engaged in Smuggling.

Aug. 5, 1935, sec. 3 (19 U. S. C. 1703). (a) Whenever any vessel which shall have been built, purchased, fitted out in whole or in part, or held, in the United States or elsewhere, for the purpose of being employed to defraud the revenue or to smuggle any merchandise into the United States, or to smuggle any merchandise into the territory of any foreign government in violation of the laws there in force, if under the laws of such foreign government any penalty or forfeiture is provided for violation of the laws of the United States respecting the customs revenue, or whenever any vessel which shall be found, or discovered to have been, employed, or attempted to be employed, within the United States for any such purpose, or in anywise in assistance thereof, or whenever any vessel of the United States which shall be found, or discovered to have been, employed, or attempted to be employed at any place, for any such purpose, or in anywise in assistance thereof, if not subsequently forfeited to the United States or to a foreign government, is found at any place at which any such vessel may be examined by an officer of the customs in the enforcement of any law respecting the revenue, the said vessel and its cargo shall be seized and forfeited.

(b) Every vessel which is documented, owned, or controlled in the United States, and every vessel of foreign registry which is, directly or indirectly, substantially owned or controlled by any citizen of, or corporation incorporated, owned, or controlled in, the United States, shall, for the purposes of this section, be deemed

a vessel of the United States.

(c) For the purposes of this section, the fact that a vessel has become subject to pursuit as provided in section 581 of the Tariff Act of 1930 [p. 336], as amended, or is in a hovering vessel, or that a vessel fails, at any place within the customs waters of the United States or within a customs-enforcement area, to display lights as required by law, shall be prima facie evidence that such vessel is being, or has been, or is attempted to be employed to defraud the revenue of the United States.

Refusal or Revocation of Documents or Number on Evidence That Vessel Engaging in Smuggling.

Aug. 5, 1935, sec. 4 (19 U. S. C. 1704). Subject to appeal to the Secretary of Commerce and under such regulations as he may prescribe, whenever the collector of customs of the district in which any vessel is, or is sought to be, registered, enrolled, licensed, or numbered, is shown upon evidence which he deems sufficient that such vessel is being, or is intended to be, employed to smuggle, transport, or otherwise assist in the unlawful introduction or importation into the United States of any merchandise or person, or to smuggle any merchandise into the territory of any foreign government in violation of the laws there in force, if under the laws of such foreign government any penalty or forfeiture is provided for violation of the laws of the United States respecting the customs revenue, or whenever, from the design or fittings of any vessel or the nature of any repairs made thereon, it is apparent to such collector that such vessel has been built or adapted for the purpose of smuggling merchandise, the said collector shall revoke the registry, enrollment, license, or number of said vessel or refuse the same if application be made therefor, as the case may be. Such collector and all persons acting by or under his direction shall be indemnified from any penalties or actions for damages for carrying out the provisions of this section.

## Destruction of Forfeited Vessel.

Aug. 5, 1935, sec. 5 (19 U. S. C. 1705). Any vessel or vehicle forfeited to the United States, whether summarily or by a decree of any court, for violation of any law respecting the revenue, may, in the discretion of the Secretary of the Treasury, if he deems it necessary to protect the revenue of the United States, be destroyed in lieu of the sale thereof under existing law.

# Importation in Vessels Under Thirty Tons and Aircraft.

Aug. 5, 1935, sec. 6 (19 U. S. C. 1706). Except into the districts adjoining to the Dominion of Canada, or into the districts adjacent to Mexico, no merchandise of foreign growth or manufacture subject to the payment of duties shall be brought into the United States from any foreign port or place, or from any hovering vessel, in any vessel of less than thirty net tons burden without special license granted by the Secretary of the Treasury under such conditions as he may prescribe, nor in any other manner than by sea, except by aircraft duly licensed in accordance with law, or landed or unladen at any other port than is directed by law, under the

penalty of seizure and forfeiture of all such unlicensed vessels or aircraft and of the merchandise imported therein, landed, or unladen in any manner. Marks, labels, brands, or stamps, indicative of foreign origin, upon or accompanying merchandise or containers of merchandise found upon any such vessel or aircraft, shall be prima facie evidence of the foreign origin of such merchandise.

Certificate for Importation of Alcoholic Liquors in Small Vessels.

Aug. 5, 1935, sec. 7 (19 U. S. C. 1707). In addition to any other requirement of law, every vessel, not exceeding five hundred net tons, from a foreign port or place, or which has visited a hovering vessel, shall carry a certificate for the importation into the United States of any spirits, wines, or other alcoholic liquors on board thereof (sea stores excepted), destined to the United States, said certificate to be issued by a consular officer of the United States or other authorized person pursuant to such regulations as the Secretary of State and the Secretary of the Treasury may jointly prescribe. Any spirits, wines, or other alcoholic liquors (sea stores excepted) found, or discovered to have been, upon any such vessel at any place in the United States, or within the customs waters, without said certificate on board, which are not shown to have a bona fide destination without the United States, shall be seized and forfeited and, in the case of any such merchandise so destined to a foreign port or place, a bond shall be required in double the amount of the duties to which such merchandise would be subject if imported into the United States, conditioned upon the delivery of said merchandise at such foreign port or place as may be certified by a consular officer of the United States or otherwise as provided in said regulations: Provided, That if the collector shall be satisfied that the certificate required for the importation of any spirits, wines, or other alcoholic liquors was issued and was lost or mislaid without fraud, or was defaced by accident, or is incorrect by reason of clerical error or other mistake, said penalties shall not be incurred nor shall such bond be required. This section shall take effect on the sixtieth day following the enactment of this Act.

Lading Vessel in Foreign Port with Liquor for Importation; Procuring Lading with Intent to Defraud Revenue Laws; Liability of Citizen, Master, and Members of Crew of United States Vessel.

Aug. 5, 1935, sec. 8 (19 U. S. C. 1708). (a) If the master of any vessel of the United States, not exceeding five hundred net tons, allows such vessel to be laden at any foreign port or other place without the United States with any merchandise destined to the United States and consisting of any spirits, wines, or other alcoholic liquors (sea stores excepted), which facts may be evidenced by the testimony or depositions of foreign administrative officials or certified copies of their records or by other sufficient evidence, without certificate issued for the importation of such merchandise into the United States as required by section 7, the master of such vessel shall, in addition to any other penalties provided by law, be liable to a penalty equal to the value of the said merchandise but not less than \$1,000 and such vessel and such merchandise shall be seized and forfeited.

(b) Whoever, being a citizen of the United States or a master or a member of the crew of a vessel of the United States, if such vessel does not exceed five hundred net tons, shall, with intent to defraud the revenue of the United States, procure, or aid or assist in procuring, any merchandise destined to the United States and consisting of any spirits, wines, or other alcoholic liquors, without certificate issued for the importation thereof into the United States as required by section 7, to be laden upon such vessel at any foreign port or other place without the United States, which facts may be evidenced by the testimony or depositions of foreign administrative officials or certified copies of their records or by other sufficient evidence, shall, in addition to any other penalties provided by law, be liable to a fine of not more than \$1,000 or to imprisonment for not more than two years, or to both such fine and imprisonment.

Definitions.

Aug. 5, 1935, sec. 401 (19 U. S. C. 1709). When used in this act: (a) The term "United States", when used in a geographical sense, includes all Territories and possessions of the United States, except the Philippine Islands, the Virgin Islands, the Canal Zone, American Samoa, Wake Island, Midway Islands, Kingman Reef, and the island of Guam.

(b) The term "officer of the customs" means any officer of the Customs Service or any commissioned, warrant, or petty officer of the Coast Guard, or agent or other person authorized by law or by the Secretary of the Treasury, or appointed in writing by a collector,

to perform the duties of an officer of the Customs Service.

(c) The term "customs waters" means, in the case of a foreign vessel subject to a treaty or other arrangement between a foreign government and the United States enabling or permitting the authorities of the United States to board, examine, search, seize, or otherwise to enforce upon such vessel upon the high seas the laws of the United States, the waters within such distance of the coast of the United States as the said authorities are or may be so enabled or permitted by such treaty or arrangement and, in the case of every other vessel, the waters within four leagues of the coast of the United States.

(d) The term "hovering vessel" means any vessel which is found or kept off the coast of the United States within or without the customs waters, if, from the history, conduct, character, or location of the vessel, it is reasonable to believe that such vessel is being used or may be used to introduce or promote or facilitate the introduction or attempted introduction of merchandise into the United States in

violation of the laws respecting the revenue.

Separability Clause.

Aug. 5, 1935, sec. 402 (19 U. S. C. 1710). If any clause, sentence, paragraph, or part of this Act, or the application thereof to any person, or circumstances, is held invalid, the application thereof to other persons, or circumstances, and the remainder of the Act, shall not be affected thereby.

#### Citation of Act.

Aug. 5, 1935, sec. 403 (19 U. S. C. 1711). This Act may be cited as the "Anti-Smuggling Act."

## Chapter XXVI.—SANITATION AND QUARANTINE

Entry of Vessels in Violation of Quarantine Laws.

Feb. 15, 1893, sec. 1 (42 U. S. C. 81). It shall be unlawful for any merchant ship or other vessel from any foreign port or place to enter any port of the United States except in accordance with the provisions of this act and with such rules and regulations of State and municipal health authorities as may be made in pursuance of, or consistent with, this act; and any such vessel which shall enter, or attempt to enter, a port of the United States in violation thereof shall forfeit to the United States a sum, to be awarded in the discretion of the court, not exceeding \$5,000, which shall be a lien upon said vessel, to be recovered by proceedings in the proper district court of the United States. In all such proceedings the United States district attorney for such district shall appear on behalf of the United States; and all such proceedings shall be conducted in accordance with the rules and laws governing cases of seizure of vessels for violation of the revenue laws of the United States.

Bill of Health; Contents; Fees; Detail of Medical Officer at Consulate; Vessel Clearing Without Bill; Vessels from Ports Near Frontier.

Feb. 15, 1893, sec. 2 (42 U. S. C. 82). Any vessel at any foreign port clearing or departing for any port or place in the United States or its possessions or other dependencies or any vessel at any port in the possessions or other dependencies of the United States clearing or departing for any port or place in the United States or its possessions or other dependencies, shall be required to obtain from the consul, vice consul, or other consular officer of the United States at the port of departure, or from the medical officer where such officer has been detailed by the President for that purpose, a bill of health in duplicate, in the form prescribed by the Secretary of the Treasury, setting forth the sanitary history and condition of said vessel, and that it has in all respects complied with the rules and regulations in such cases prescribed for securing the best sanitary condition of the said vessel, its cargo, passengers, and crew; and said consular or medical officer is required, before granting such duplicate bill of health, to be satisfied that the matters and things therein stated are true; and for his services in that behalf he shall be entitled to demand and receive such fees as shall by lawful regulation be allowed, to be accounted for as is required in other cases.

The provisions of the preceding paragraph shall not apply to vessels operating exclusively in trade between foreign ports on or near the northern frontier of the United States and ports in the United States; but the Secretary of the Treasury is hereby authorized, when, in his discretion, it is expedient for the preservation of the public health, to establish regulations governing such vessels.

The President, in his discretion, is authorized to detail any medical officer of the Government to serve in the office of the consul at any foreign port for the purpose of furnishing information and making the inspection and giving the bills of health hereinbefore mentioned.

Any vessel clearing and sailing from any such port without such bill of health, and entering any port of the United States, shall forfeit to the United States not more than \$5,000, the amount to be determined by the court, which shall be a lien on the same, to be recovered by proceedings in the proper district court of the United States. In all such proceedings the United States district attorney for such district shall appear on behalf of the United States; and all such proceedings shall be conducted in accordance with the rules and laws governing cases of seizure of vessels for violation of the revenue laws of the United States. The provisions of this section shall not apply to vessels plying between foreign ports on or near the frontiers of the United States and ports of the United States adjacent thereto; but the Secretary of the Treasury is hereby authorized, when in his discretion, it is expedient for the preservation of the public health, to establish regulations governing such vessels. (Aug. 18, 1894; Feb. 27, 1921; Feb. 7, 1925.)

Bills of Health and Duplicate Copies; to Whom Presented.

FEB. 15, 1893, sec. 13 (42 U. S. C. 82a). The original bills of health required to be obtained in duplicate in foreign ports under the provisions of section 2 of this Act, shall be presented to the collector of customs in accordance with the provisions of section 5 of this Act, and the duplicate copies of such bills of health shall be presented to the quarantine officer at the time quarantine inspection is performed by him. (Mar. 3, 1931, sec. 1.)

Vessels From Foreign Ports Without Bill of Health Not Entering United States Subject to Regulations.

Mar. 3, 1901, (42 U. S. C. 83). Any vessel sailing from any foreign port without the bill of health required by section 2 of this Act, and arriving within the limits of any collection district of the United States, and not entering or attempting to enter any port of the United States, shall be subject to such quarantine measures as shall be prescribed by regulations of the Secretary of the Treasury, and the cost of such measures shall be a lien on said vessel, to be recovered by proceedings in the proper district court of the United States and in the manner set forth above as regards vessels from foreign ports without bills of health and entering any port of the United States. (Mar. 3, 1931, sec. 1.)

Quarantine Inspection.

Feb. 15, 1893, sec. 6 (42 U. S. C. 84). On the arrival of an infected vessel at any port not provided with proper facilities for treatment of the same, the Secretary of the Treasury may remand said vessel, at its own expense, to the nearest national or other quarantine station, where accommodations and appliances are provided for the necessary disinfection and treatment of the vessel, passengers, and cargo; and after treatment of any infested vessel at a national quarantine station, and after certificate shall have been given by the United States quarantine officer at said station that the vessel, cargo, and passengers are each and all free from infectious disease, or danger of conveying the same, said vessel shall be admitted to entry to any port of the United States named within the certificate. But at any ports where sufficient quarantine provision has been made by State or local

authorities the Secretary of the Treasury may direct vessels bound for said ports to undergo quarantine at said State or local station.

Unauthorized Entry Within or Departure From Quarantine Grounds or Anchorages; Masters or Owners of Vessels Violating Law or Making False Statement as to Condition of Vessel or Contents, or as to Health of Passenger or Person Thereon.

June 19, 1906, sec. 4 (42 U.S. C. 85). Any vessel, or any officer of any vessel, or other person other than State health or quarantine officers, entering within the limits of any quarantine grounds and anchorages, or any quarantine station and anchorage, or departing therefrom, in disregard of the quarantine rules and regulations or without the permission of the officer in charge of such quarantine ground and anchorage, or of such quarantine station and anchorage, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$300 or by imprisonment for not more than one year, or both, in the discretion of the court. That any master or owner of any vessel violating any provision of this Act, or any provision of an Act entitled "An Act granting additional powers and imposing additional duties on the Marine Hospital Service", approved February 15, 1893, or violating any rule or regulation made in accordance with this Act or said Act of February 15, 1893, relating to the inspection of vessels, or to the prevention of the introduction of contagious or infectious diseases into the United States, or any master, owner, or agent of any vessel making a false statement relative to the sanitary condition of such vessel or its contents, as to the health of any passenger or person thereon shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than \$500 or imprisonment for not more than one year, or both, in the discretion of the court.

Vessels from Infected Ports Subject to State Quarantine Laws.

Apr. 29, 1878, sec. 1 (42 U. S. C. 86). No vessel or vehicle coming from any foreign port or country where any contagious or infectious disease may exist, and no vessel or vehicle conveying any person or persons, merchandise, or animals, affected with any infectious or contagious disease, shall enter any port of the United States or pass the boundary line between the United States and any foreign country, contrary to the quarantine laws of any one of said United States, into or through the jurisdiction of which said vessel or vehicle may pass, or to which it is destined, or except in the manner and subject to the regulations to be prescribed as provided in this chapter.

Cost of Fumigation and Disinfection of Foreign Vessels.

Apr. 17, 1917, sec. 1 (42 U.S. C. 87). The cost of fumigation and disinfection shall be charged vessels from foreign ports at rates to be fixed by the Secretary of the Treasury.

Removal of Cargo.

R. S. 4793 (42 U. S. C. 88). Whenever, by the health laws of any State, or by the regulations made pursuant thereto, any vessel arriving within a collection district of such State is prohibited from coming to the port of entry or delivery by law established for such district, and such health laws require or permit the cargo of the vessel to be unladen at some other place within or near to such dis-

trict, the collector, after due report to him of the whole of such cargo, may grant his warrant or permit for the unlading and discharge thereof, under the care of the surveyor, or of one or more inspectors, at some other place where such health laws permit, and upon the conditions and restrictions which shall be directed by the Secretary of the Treasury, or which such collector may, for the time, deem expedient for the security of the public revenue.

Quarantine Warehouses; Erection.

R. S. 4794 (42 U. S. C. 89). There shall be purchased or erected, under the orders of the President, suitable warehouses, with wharves and inclosures, where merchandise may be unladen and deposited, from any vessel which shall be subject to a quarantine, or other restraint, pursuant to the health laws of any State, at such convenient places therein as the safety of the public revenue and the observance of such health laws may require.

### DEPOSIT OF GOODS IN

R. S. 4795 (42 U. S. C. 90). Whenever the cargo of a vessel is unladen at some other place than the port of entry or delivery under the foregoing provisions, all the articles of such cargo shall be deposited, at the risk of the parties concerned therein, in such public or other warehouses or inclosures as the collector shall designate, there to remain under the joint custody of such collector and of the owner, or master, or other person having charge of such vessel, until the same are entirely unladen or discharged, and until the articles so deposited may be safely removed without contravening such health laws. And when such removal is allowed, the collector having charge of such articles may grant permits to the respective owners or consignees, their factors or agents, to receive all merchandise which has been entered, and the duties accruing upon which have been paid, upon the payment by them of a reasonable rate of storage; which shall be fixed by the Secretary of the Treasury for all public warehouses and inclosures.

Extending Time for Entry of Vessels Subject to Quarantine.

R. S. 4796 (42 U. S. C. 91). The Secretary of the Treasury is authorized, whenever a conformity to such quarantines and health laws requires it, and in respect to vessels subject thereto, to prolong the terms limited for the entry of the same, and the report or entry of their cargoes, and to vary or dispense with any other regulations applicable to such reports or entries. No part of the cargo of any vessel shall, however, in any case, be taken out or unladen therefrom, otherwise than is allowed by law, or according to the regulations hereinafter established.

Quarantine Regulations.

Feb. 15, 1893, sec. 3 (42 U. S. C. 92). The Surgeon General of the Public Health Service shall, under the direction of the Secretary of the Treasury, cooperate with and aid State and municipal boards of health in the execution and enforcement of the rules and regulations of such boards and in the execution and enforcement of the rules and regulations made by the Secretary of the Treasury to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, and into one State or Territory or the District of Columbia from another State or Terri-

tory or the District of Columbia; and all rules and regulations made by the Secretary of the Treasury shall operate uniformly and in no manner discriminate against any port or place; and at such ports and places within the United States as have no quarantine regulations under State or municipal authority, where such regulations are, in the opinion of the Secretary of the Treasury, necessary to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, or into one State or Territory or the District of Columbia from another State or Territory or the District of Columbia, and at such ports and places within the United States where quarantine regulations exist under the authority of the State or municipality which, in the opinion of the Secretary of the Treasury, are not sufficient to prevent the introduction of such diseases into the United States, or into one State or Territory or the District of Columbia, from another State or Territory or the District of Columbia, the Secretary of the Treasury shall, if in his judgment it is necessary and proper, make such additional rules and regulations as are necessary to prevent the introduction of such diseases into the United States from foreign countries, or into one State or Territory or the District of Columbia from another State or Territory or the District of Columbia, and when said rules and regulations have been made they shall be promulgated by the Secretary of the Treasury, and enforced by the sanitary authorities of the States and municipalities, where the State or municipal health authorities will undertake to execute and enforce them; but if the State or municipal authorities shall fail or refuse to enforce said rules and regulations the President shall execute and enforce the same and adopt such measures as in his judgment shall be necessary to prevent the introduction or spread of such diseases, and may detail or appoint officers for that purpose. The Secretary of the Treasury shall make such rules and regulations as are necessary to be observed by vessels at the port of departure and on the voyage, where such vessels sail from any foreign port or place to any port or place in the United States, to secure the best sanitary condition of such vessel, her cargo, passengers, and crew; which shall be published and communicated to and enforced by the consular officers of the United States. None of the penalties herein imposed shall attach to any vessel or owner or officer thereof until a copy of this act, with the rules and regulations made in pursuance thereof, has been posted up in the office of the consul or other consular officer of the United States for ten days, in the port from which said vessel sailed; and the certificate of such consul or consular officer over his official signature shall be competent evidence of such posting in any court of the United States. (July 1, 1902; Aug. 14, 1912.)

Regulations to Secure Sanitary Conditions of Vessels; Inspection; Health Certificate.

Feb. 15, 1893, sec. 5 (42 U.S. C. 94). The Secretary of the Treasury shall from time to time issue to the consular officers of the United States and to the medical officers serving at any foreign port, and otherwise make publicly known, the rules and regulations made by him, to be used and complied with by vessels in foreign ports, for securing the best sanitary condition of such vessels, their cargoes, passengers, and crew, before their departure for any port in the

United States and in the course of the voyage; and all such other rules and regulations as shall be observed in the inspection of the same on the arrival thereof at any quarantine station at the port of destination, and for the disinfection and isolation of the same, and the treatment of cargo and persons on board, so as to prevent the introduction of cholera, yellow fever, or other contagious or infectious diseases; and it shall not be lawful for any vessel to enter said port to discharge its cargo, or land its passengers, except upon a certificate of the health officer at such quarantine station, certifying that said rules and regulations have in all respects been observed and complied with, as well on his part as on the part of the said vessel and its master, in respect to the same and to its cargo, passengers, and crew, and the master of every such vessel shall produce and deliver to the collector of customs at said port of entry, together with the other papers of the vessel, the said bills of health required to be obtained at the port of departure and the certificate herein required to be obtained from the health officer at the port of entry; and that the bills of health herein prescribed shall be considered as part of the ship's papers, and when duly certified to by the proper consular or other officer of the United States, over his official signature and seal, shall be accepted as evidence of the statements therein contained in any court of the United States.

## Quarantine Services; Hours of Inspection at Stations.

Feb. 15, 1893, sec. 14 (42 U. S. C. 94a). The Secretary of the Treasury shall establish by regulation the hours during which quarantine service shall be performed at each quarantine station, and upon application by any interested party, may establish quarantine inspection during the twenty-four hours of the day, or any fraction thereof, at such quarantine stations as, in his judgment, require such extended service; but the Secretary may restrict the performance of quarantine inspection to hours of daylight for such arriving vessels as cannot, in his opinion, be satisfactorily inspected during hours of darkness. Nothing herein contained, however, shall be construed to require a vessel upon arriving at the quarantine anchorage to undergo quarantine inspection during the hours of darkness, unless the quarantine officer at such quarantine station shall deem an immediate inspection necessary to protect the public health; nor shall any provision of this section be construed to require uniformity in the regulations governing the hours during which quarantine inspection may be obtained at the various ports of the United States. (Mar. 3, 1931, sec. 1.)

Schedule of Charges; Payment.

Feb. 15, 1893, sec. 16 (42 U. S. C. 94b). The Secretary of the Treasury is authorized and directed to prescribe a schedule of charges for quarantine services rendered to vessels at each of the national quarantine stations, which charges shall be reasonable and uniform for all ports, including the port of New York. The quarantine officer in each port of entry shall promptly forward to the collector of customs at such port an itemized statement of the quarantine services rendered to each vessel at the prescribed charges, which charges shall be paid to the collector of customs by said vessel prior to clearance or departure from such port. All such collections shall

be accounted for by the collector of customs and shall be covered into the Treasury, as miscellaneous receipts. (Mar. 3, 1931, sec. 1.)

Health Certificates; When Procurable.

Feb. 15, 1893, sec. 15 (42 U. S. C. 94c). The certificate of health required by section 5 of this Act, shall, upon the arrival of any vessel from foreign ports at the anchorage or place established for quarantine inspection purposes in any port of the United States, be procurable at any time within which quarantine services are performed at such station from the quarantine health officer, following satisfactory inspection. (Mar. 3, 1931, sec. 1.)

Immediate Quarantine Service; Contributions.

Mar. 3, 1931, sec. 3 (42 U. S. C. 94e). Whenever steamship companies desiring the benefits of the extended quarantine service at any port, provided for by sections 14 and 16 of this Act shall offer to advance funds in order to permit the immediate institution of such service at such port, the Secretary of the Treasury may, in his discretion, receive such funds and expend the same for such purpose; and the moneys so contributed shall be repaid by the Secretary, without interest, from any funds appropriated under authority of section 2 of Act of March 3, 1931, chapter 409, 46 Statutes 1492.

### State Health Laws.

R. S. 4792 (42 U. S. C. 97). The quarantines and other restraints established by the health laws of any State, respecting any vessels arriving in, or bound to, any port or district thereof, shall be duly observed by the officers of the customs revenue of the United States, by the masters and crews of the several Coast Guard cutters, and by the military officers commanding in any fort or station upon the seacoast; and all such officers of the United States shall faithfully aid in the execution of such quarantines and health laws, according to their respective powers and within their respective precincts, and as they shall be directed, from time to time, by the Secretary of the Treasury. But nothing in this Title [R. S. 4792-4800] shall enable any State to collect a duty of tonnage or impost without the consent of Congress. (Jan. 28, 1915, sec. 1.)

# Authority of Medical Officers Acting as Quarantine Officers.

Feb. 15, 1893, sec. 12 (42 U.S. C.99). The medical officers of the United States, duly clothed with authority to act as quarantine officers at any port or place within the United States, and when performing the said duties, are hereby authorized to take declarations and administer oaths in matters pertaining to the administration of the quarantine laws and regulations of the United States. (Mar. 3, 1901.)

# Quarantine Anchorage.

Feb. 15, 1893, sec. 10 (42 U. S. C. 102). The Surgeon General, with the approval of the Secretary of the Treasury, is authorized to designate and mark the boundaries of the quarantine grounds and quarantine anchorages for vessels which are reserved for use at each United States quarantine station; and any vessel or officer of any vessel or other person, other than State or municipal health or quarantine officers, trespassing or otherwise entering upon such grounds or anchorages in disregard of the quarantine rules and regulations,

or without permission of the officer in charge of such station, shall be deemed guilty of a misdemeanor and subject to arrest, and upon conviction thereof be punished by a fine of not more than \$300 or imprisonment for not more than one year, or both, in the discretion of the court. Any master or owner of any vessel, or any person violating any provision of this Act or any rule or regulation made in accordance with this Act, relating to inspection of vessels or relating to the prevention of the introduction of contagious or infectious diseases, or any master, owner, or agent of any vessel making a false statement relative to the sanitary condition of said vessel or its contents or as to the health of any passenger or person thereon, shall be deemed guilty of a misdemeanor and subject to arrest, and upon conviction thereof be punished by a fine of not more than \$500 or imprisonment for not more than one year, or both, in the discretion of the court. (Mar. 3, 1901; July 1, 1902, sec. 1.)

### National Quarantine.

June 19, 1906, sec. 1 (42 U. S. C. 103). The Secretary of the Treasury shall have the control, direction, and management of all quarantine stations, grounds, and anchorages established by authority of the United States, and as soon as practicable after the approval of this Act shall select and designate such suitable places for them and establish the same at such points on or near the coast line of the United States or the border of the United States and a foreign country, as in his judgment are best suited for the same and necessary to prevent the introduction of yellow fever into the United States, and, in his discretion, he may also establish at the group of islands known as the Dry Tortugas, at the western end of the Florida reef, and at such other point or points on or near the coast line of the United States (not to exceed four in the aggregate) as he deems necessary, quarantine grounds, stations, and anchorages, whereat or whereto infected vessels bound for any port in the United States may be detained or sent for the purpose of being disinfected, having their cargoes disinfected and discharged, if necessary, and their sick treated in hospitals until all danger of infection or contagion from such vessels, their cargoes, passengers, or crews has been removed.

Notice of Selection of Places for Quarantine Stations and Anchorages; Instrumentalities for Disinfecting Vessels and Cargoes and Hospital Buildings; Treatment of Sick and Eradication of Disease.

June 19, 1906, sec. 3 (42 U. S. C. 105). On acquiring possession of any land and water in accordance with the provisions of this Act for the purpose of establishing thereat a quarantine station and anchorage, the Secretary of the Treasury shall cause to be published in such newspapers as he may think proper, once a week for four successive weeks, a notice of the selection and designation of such places for quarantine stations and anchorages, with a description of the boundaries of such quarantine stations and anchorages, and such rules and regulations as he shall adopt and promulgate, requiring vessels with yellow fever among their passengers or crews to go to specified quarantine stations and anchorages, to be dealt with there before visiting any port of the United States. He shall establish at such quarantine stations and anchorages all necessary instru-

mentalities for disinfecting vessels and their cargoes, and where the same shall be required shall erect the necessary hospital buildings and install the necessary furniture and fittings for receiving and treating the sick among the passengers and crews of vessels going to such quarantine stations and anchorages, and provide for the separation of those among their passengers and crews who are suffering from yellow fever from those who are in good health, and shall further provide for doing all things necessary to eradicate such disease from such vessels, their cargoes, passengers, and crews.

Trespass on Quarantine Reservations; Vessels Entering United States in Violation of Laws.

Aug. 1, 1888, sec. 1 (42 U. S. C. 106). Whenever any person shall trespass upon the grounds belonging to any quarantine reservation or whenever any person, master, pilot, or owner of a vessel entering any port of the United States, shall so enter in violation of section 1 of the Act entitled "An Act to prevent the introduction of contagious or infectious diseases into the United States", or in violation of the quarantine regulations framed under said Act (Apr. 29, 1878) such person trespassing, or such master, pilot, or other person in command of a vessel shall, upon conviction thereof, pay a fine of not more than \$300, or be sentenced to imprisonment for a period of not more than thirty days, or shall be punished by both fine and imprisonment at the discretion of the court. And it shall be the duty of the United States attorney in the district where the misdemeanor shall have been committed to take immediate cognizance of the offense, upon report made to him by any medical officer of the Public Health Service, or by any officer of the customs service, or by any State officer acting under authority of section 5 of said Act. (July 1, 1902, sec. 1; Aug. 14, 1912, sec. 1.)

Violation of Quarantine Laws; by Common Carriers.

Mar. 27, 1890, sec. 3 (42 U. S. C. 108). When any common carrier or officer, agent, or employee of any common carrier shall willfully violate any of the quarantine laws of the United States, or the rules and regulations made and promulgated as provided for in section 1 of this Act, such common carrier, officer, agent, or employee shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine of not more than \$500, or imprisonment for not more than two years, or both, in the discretion of the court.

Suspension of Commerce.

Feb. 15, 1893, sec. 7 (42 U. S. C. 111). Whenever it shall be shown to the satisfaction of the President that by reason of the existence of cholera or other infectious or contagious diseases in a foreign country there is serious danger of the introduction of the same into the United States, and that, notwithstanding the quarantine defense, this danger is so increased by the introduction of persons or property from such country that a suspension of the right to introduce the same is demanded in the interest of the public health, the President shall have power to prohibit, in whole or in part, the introduction of persons and property from such countries or places as he shall designate and for such period of time as he may deem necessary.

# Chapter XXVII.—IMMIGRATION

### Head Tax.

Mar. 4, 1909, sec. 1 (8 U. S. C. 133). All head tax collected pursuant to the provisions of section 1, of the said Act of February 20, 1907, together with all fines, rentals collected, and moneys received from other sources under the laws regulating the immigration of aliens into the United States, shall be covered into the Treasury to the credit of miscellaneous receipts.

## Definition of "Seaman."

Feb. 5, 1917, sec. 1 (8 U. S. C. 173). \* \* \* The term "seaman" as used in this Act (Immigration Act) shall include every person signed on the ship's articles and employed in any capacity on board any vessel arriving in the United States from any foreign port or place.

### Definition of "Immigrant."

May 26, 1924, sec. 3 (8 U. S. C. 203). When used in this Act the term "immigrant" means any alien departing from any place outside the United States destined for the United States, except (1) a government official, his family, attendants, servants, and employees; (2) an alien visiting the United States temporarily as a tourist or temporarily for business or pleasure; (3) an alien in continuous transit through the United States; (4) an alien lawfully admitted to the United States who later goes in transit from one part of the United States to another through foreign contiguous territory; (5) a bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman; and (6) an alien entitled to enter the United States solely to carry on trade between the United States and the foreign state of which he is a national under and in pursuance of the provisions of a treaty of commerce and navigation, and his wife, and his unmarried children under twenty-one years of age, if accompanying or following to join him. (July 6, 1932.)

# Immigration Visas.

May 26, 1924, sec. 2 (8 U.S. C. 202). (a) A consular officer upon the application of any immigrant (as defined in section 3) may (under the conditions hereinafter prescribed and subject to the limitations prescribed in this Act or regulations made thereunder as to the number of immigration visas which may be issued by such officer) issue to such immigrant an immigration visa which shall consist of one copy of the application provided for in section 7, visaed by such consular officer. Such visa shall specify (1) the nationality of the immigrant; (2) whether he is a quota immigrant (as defined in section 5) or a nonquota immigrant (as defined in section 4); (3) the date on which the validity of the immigration visa shall expire; and (4) such additional information necessary to the proper enforcement

of the immigration laws and the naturalization laws as may be by

regulations prescribed.

(b) The immigrant shall furnish two copies of his photograph to the consular officer. One copy shall be permanently attached by the consular officer to the immigration visa and the other copy shall

be disposed of as may be by regulations prescribed.

(c) The validity of an immigration visa shall expire at the end of such period, specified in the immigration visa, not exceeding four months, as shall be by regulations prescribed. In the case of an immigrant arriving in the United States by water, or arriving by water in foreign contiguous territory on a continuous voyage to the United States, if the vessel, before the expiration of the validity of his immigration visa, departed from the last port outside the United States and outside foreign contiguous territory at which the immigrant embarked, and if the immigrant proceeds on a continuous voyage to the United States, then, regardless of the time of his arrival in the United States, the validity of his immigration visa shall not be considered to have expired.

(d) If an immigrant is required by any law, or regulations or orders made pursuant to law, to secure the visa of his passport by a consular officer before being permitted to enter the United States, such immigrant shall not be required to secure any other visa of his passport than the immigration visa issued under this Act, but a record of the number and date of his immigration visa shall be noted on his passport without charge therefor. This subdivision shall not apply to an immigrant who is relieved, under subdivision

(b) of section 13, from obtaining an immigration visa.

(e) The manifest or list of passengers required by the immigration laws shall contain a place for entering thereon the date, place of issuance, and number of the immigration visa of each immigrant. The immigrant shall surrender his immigration visa to the immigration officer at the port of inspection, who shall at the time of inspection indorse on the immigration visa the date, the port of entry, and the name of the vessel, if any, on which the immigrant arrived. The immigration visa shall be transmitted forthwith by the immigration officer in charge at the port of inspection to the Department of Labor under regulations prescribed by the Secretary of Labor.

(f) No immigration visa shall be issued to an immigrant if it appears to the consular officer, from statements in the application, or in the papers submitted therewith, that the immigrant is inadmissible to the United States under the immigration laws, nor shall such immigration visa be issued if the application fails to comply with the provisions of this Act, nor shall such immigration visa be issued if the consular officer knows or has reason to believe that the immigrant is inadmissible to the United States under the immigration

laws.

(g) Nothing in this Act shall be construed to entitle an immigrant to wrom an immigration visa has been issued, to enter the United States, if, upon arrival in the United States, he is found to be inadmissible to the United States under the immigration laws. The substance of this subdivision shall be printed conspicuously upon every immigration visa.

(h) A fee of \$9 shall be charged for the issuance of each immigration visa, which shall be covered into the Treasury as miscellaneous receipts. See Act Feb. 25, 1925, c. 316, 43 Stat. 976; also Ex. Or. 6166, sec. 14.

Hospital Treatment of Diseased Alien Seamen.

Dec. 26, 1920 (8 U. S. C. 170). Alien seamen found on arrival in ports of the United States to be afflicted with any of the disabilities or diseases mentioned in section 35 of the Act of February 5, 1917 [8 U. S. C. 169], shall be placed in a hospital designated by the immigration official in charge at the port of arrival and treated, all expenses connected therewith, including burial in the event of death, to be borne by the owner, agent, consignee, or master of the vessel, and not to be deducted from the seamen's wages, and no such vessel shall be granted clearance until such expenses are paid or their payment appropriately guaranteed and the collector of customs so notified by the immigration official in charge: Provided, That alien seamen suspected of being afflicted with any such disability or disease may be removed from the vessel on which they arrive to an immigration station or other appropriate place for such observation as will enable the examining surgeons definitely to determine whether or not they are so afflicted, all expenses connected therewith to be borne in the manner hereinbefore prescribed: Provided further, That in cases in which it shall appear to the satisfaction of the immigration official in charge that it will not be possible within a reasonable time to effect a cure, the return of the alien seamen shall be enforced on or at the expense of the vessel on which they came, upon such conditions as the Commissioner General of Immigration, with the approval of the Secretary of Labor, shall prescribe, to insure that the aliens shall be properly cared for and protected, and that the spread of contagion shall be guarded against.

Alien Seamen Excluded from Admission.

May 26, 1924, sec. 19 (8 U. S. C. 166). No alien seaman excluded from admission into the United States under the immigration laws and employed on board any vessel arriving in the United States from any place outside thereof shall be permitted to land in the United States except temporarily for medical treatment, or pursuant to such regulations as the Secretary of Labor may prescribe for the ultimate departure, removal, or deportation of such alien from the United States.

May 26, 1924, sec. 20 (8 U. S. C. 167). (a) The owner, charterer, agent, consignee, or master of any vessel arriving in the United States from any place outside thereof who fails to detain on board any alien seaman employed on such vessel until the immigration officer in charge at the port of arrival has inspected such seaman (which inspection in all cases shall include a personal physical examination by the medical examiners), or who fails to detain such seaman on board after such inspection or to deport such seaman if required by such immigration officer or the Secretary of Labor to do so, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$1,000 for each alien seaman in respect of whom such failure occurs. No vessel shall be granted clearance pending the determination of the liability to the payment of such

fine, or while the fine remains unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine, or of a bond with sufficient surety to secure the payment thereof approved by the collector of customs.

(b) Proof that an alien seaman did not appear upon the outgoing manifest of the vessel on which he arrived in the United States from any place outside thereof, or that he was reported by the master of such vessel as a deserter, shall be prima facie evidence of a failure to detain or deport after requirement by the immigration officer or the

Secretary of Labor.

(c) If the Secretary of Labor finds that deportation of the alien seaman on the vessel on which he arrived would cause undue hardship to such seaman, he may cause him to be deported on another vessel at the expense of the vessel on which he arrived, and such vessel shall not be granted clearance until such expense has been paid or its payment guaranteed to the satisfaction of the Secretary of Labor.

Fraudulent Entry of Immigrants as Seamen.

Feb. 5, 1917, sec. 31 (8 U. S. C. 165). Any person, including the owner, agent, consignee, or master of any vessel arriving in the United States from any foreign port or place, who shall knowingly sign on the ship's articles, or bring to the United States as one of the crew of such vessel, any alien, with intent to permit such alien to land in United States in violation of the laws and treaties of the United States regulating the immigration of aliens, or who shall falsely and knowingly represent to the immigration authorities at the port of arrival that any such alien is a bona fide member of the crew, shall be liable to a penalty not exceeding \$5,000, for which sum the said vessel shall be liable and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense.

Feb. 5, 1917, sec. 33 (8 U. S. C. 168). It shall be unlawful to pay off or discharge any alien employed on board any vessel arriving in the United States from any foreign port or place, unless duly admitted pursuant to the laws and treaties of the United States regulating the immigration of aliens: Provided, That in case any such alien intends to reship on board any other vessel bound to any foreign port or place, he shall be allowed to land for the purpose of so reshipping, under such regulations as the Secretary of Labor may prescribe to prevent aliens not admissible under any law, convention, or treaty from remaining permanently in the United States, and may be paid off, discharged, and permitted to remove his effects, anything in such laws or treaties or in this Act to the contrary notwithstanding, provided due notice of such proposed action be given by the master or the seaman himself to the principal immigration officer in charge at the port of arrival.

Diseased Immigrants.

Feb. 5, 1917, sec. 35 (8 U. S. C. 169). It shall be unlawful for any vessel carrying passengers between a port of the United States and a port of a foreign country, upon arrival in the United States, to have on board employed thereon any alien afflicted with idiocy, imbecility, insanity, epilepsy, tuberculosis in any form, or a loath-

some or dangerous contagious disease, if it appears to the satisfaction of the Secretary of Labor, from an examination made by a medical officer of the United States Public Health Service, and is so certified by such officer, that any such alien was so afflicted at the time he was shipped or engaged and taken on board such vessel and that the existence of such affliction might have been detected by means of a competent medical examination at such time; and for every such alien so afflicted on board any such vessel at the time of arrival the owner, agent, consignee, or master thereof shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$50, and pending departure of the vessel the alien shall be detained and treated in hospital under supervision of immigration officials at the expense of the vessel; and no vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine and while it remains unpaid: Provided, That clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine: Provided further, That such fine may, in the discretion of the Secretary of Labor, be mitigated or remitted.

Illegal Landing.

Feb. 5, 1917, sec. 36 (8 U. S. C. 171). Upon arrival of any vessel in the United States from any foreign port or place it shall be the duty of the owner, agent, consignee, or master thereof to deliver to the principal immigration officer in charge of the port of arrival lists containing the names of all aliens employed on such vessels, stating the positions they respectively hold in the ship's company, when and where they were respectively shipped or engaged, and specifying those to be paid off and discharged in the port of arrival; or lists containing so much of such information as the Secretary of Labor shall by regulation prescribe; and after the arrival of any such vessel it shall be the duty of such owner, agent, consignee, or master to report to such immigration officer, in writing, as soon as discovered, all cases in which any such alien has illegally landed from the vessel, giving a description of such alien, together with any information likely to lead to his apprehension; and before the departure of any such vessel it shall be the duty of such owner, agent, consignee, or master to deliver to such immigration officer a further list containing the names of all alien employees who were not employed thereon at the time of the arrival but who will leave port thereon at the time of her departure, and also the names of those, it any, who have been paid off and discharged, and of those, if any, who have deserted or landed; and in case of the failure of such owner, agent, consignee, or master so to deliver either of the said lists of such aliens arriving and departing, respectively, or so to report such cases of desertion or landing, such owner, agent, consignee, or master shall, if required by the Secretary of Labor, pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$10 for each alien concerning whom correct lists are not delivered or a true report is not made as above required; and no such vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine, and, in the event such fine is imposed, while it remains unpaid; nor shall such fine be remitted or refunded: Provided, That clearance may be granted prior to the determination of such question upon deposit of a sum sufficient to cover such fine.

Penalty for Illegal Transportation.

May 26, 1924, sec. 16 (8 U. S. C. 216). (a) It shall be unlawful for any person, including any transportation company, or the owner, master, agent, charterer, or consignee of any vessel, to bring to the United States by water from any place outside thereof (other than foreign contiguous territory) (1) any immigrant who does not have an unexpired immigration visa, or (2) any quota immigrant having an immigration visa the visa in which specifies him as a nonquota

immigrant.

- (b) If it appears to the satisfaction of the Secretary of Labor that any immigrant has been so brought, such person, or transportation company, or the master, agent, owner, charterer, or consignee of any such vessel, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$1,000 for each immigrant so brought, and in addition a sum equal to that paid by such immigrant for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, such latter sum to be delivered by the collector of customs to the immigrant on whose account assessed. No vessel shall be granted clearance pending the determination of the liability to the payment of such sums, or while such sums remain unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of an amount sufficient to cover such sums, or of a bond with sufficient surety to secure the payment thereof approved by the collector of customs.
- (c) Such sums shall not be remitted or refunded, unless it appears to the satisfaction of the Secretary of Labor that such person, and the owner, master, agent, charterer, or consignee of the vessel, prior to the departure of the vessel from the last port outside the United States, did not know, and could not have ascertained by the exercise of reasonable diligence, (1) that the individual transported was an immigrant, if the fine was imposed for bringing an immigrant without an unexpired immigration visa, or (2) that the individual transported was a quota immigrant, if the fine was imposed for bringing a quota immigrant the visa in whose immigration visa specified him as being a nonquota immigrant.

Foreign Officials.

Feb. 5, 1917, sec. 3 (8 U. S. C. 136 (r)). Nothing in this Act shall be construed to apply to accredited officials of foreign governments, nor to their suites, families, or guests.

#### Miscellaneous.

Mar. 3, 1893, sec. 8 (8 U. S. C. 172). All steamship or transportation companies, and other owners of vessels, regularly engaged in transporting alien immigrants to the United States, shall twice a year file a certificate with the Secretary of Labor that they have furnished to be kept conspicuously exposed to view in the office of each of their agents in foreign countries authorized to sell emigrant tickets, a copy of the law of March 3, 1891, and of all subsequent laws of this country relative to immigration, printed in large letters, in the language of the country where the copy of the law is to be exposed

to view, and that they have instructed their agents to call the attention thereto of persons contemplating emigration before selling tickets to them; and in case of the failure for sixty days of any such company or any such owners to file such a certificate, or in case they file a false certificate, they shall pay a fine of not exceeding \$500, to be recovered in the proper United States court, and said fine shall also be a lien upon any vessel of said company or owners found within the United States.

Feb. 26, 1885, sec. 2 (8 U. S. C. 141). All contracts or agreements, expressed or implied, parol, or special, which may hereafter be made by and between any person, company, partnership, or corporation, and any foreigner or foreigners, alien or aliens, to perform labor or service or having reference to the performance of labor or service by any person in the United States, its Territories, or the District of Columbia, previous to the migration or importation of the person or persons whose labor or service is contracted for into the United States, shall be utterly void and of no effect.

Immigration to Philippines.

Feb. 6, 1905, sec. 6 (48 U. S. C. 1013). The immigration laws of the United States in force in the Philippine Islands shall be administered by the officers of the general government thereof designated by appropriate legislation of said government, and all moneys collected under said laws as duty or head tax on alien immigrants coming into said islands shall not be covered into the general fund of the Treasury of the United States, but shall be paid into the treasury of said islands to be used and expended for the government and benefit of said islands.

## Chapter XXVIII.—TONNAGE TAX

Amount of Tax.

R. S. 4219 (46 U. S. C. 121). Upon vessels which shall be entered in the United States from any foreign port or place there shall be paid duties as follows: On vessels built within the United States but belonging wholly or in part to subjects of foreign powers, at the rate of thirty cents per ton; on other vessels not of the United States, at the rate of fifty cents per ton, and any vessel, any officer of which shall not be a citizen of the United States shall pay a tax

of fifty cents per ton.

A tonnage duty of 2 cents per ton, not to exceed in the aggregate 10 cents per ton in any one year, is imposed at each entry on all vessels which shall be entered in any port of the United States from any foreign port or place in North America, Central America, the West India Islands, the Bahama Islands, the Bermuda Islands, or the coast of South America bordering on the Caribbean Sea, or Newfoundland, and a duty of 6 cents per ton, not to exceed 30 cents per ton per annum, is imposed at each entry on all vessels which shall be entered in any port of the United States from any other foreign port, not, however, to include vessels in distress or not engaged in trade.

Upon every vessel not of the United States, which shall be entered in one district from another district, having on board goods, wares, or merchandise taken in one district to be delivered in another district, duties shall be paid at the rate of 50 cents per ton: Provided, That no such duty shall be required where a vessel owned by citizens of the United States, but not a vessel of the United States, after entering an American port, shall, before leaving the same, be registered as a vessel of the United States. On all foreign vessels which shall be entered in the United States from any foreign port or place, to and with which vessels of the United States are not ordinarily permitted to enter and trade, there shall be paid a duty at the rate of \$2 per ton; and none of the duties on tonnage above mentioned shall be levied on the vessels of any foreign nation if the President of the United States shall be satisfied that the discriminating or countervailing duties of such foreign nations, so far as they operate to the disadvantage of the United States, have been abolished. Any rights or privileges acquired by any foreign nation under the laws and treaties of the United States relative to the duty of tonnage on vessels shall not be impaired; and any vessel, any officer of which shall not be a citizen of the United States shall pay a tax of 50 cents per ton. (Feb. 27, 1877, sec. 1; June 26, 1884, sec. 14; June 19, 1886, sec. 11; Apr. 4, 1888, sec. 1; Aug. 5, 1909, sec. 36; Mar. 4, 1915, sec. 1.)

Provisions of Treaties Unaffected.

R. S. 4227 (46 U. S. C. 135). Nothing contained in this Title [R. S. 4131-4305] shall be deemed in anywise to impair any rights

and privileges which have been or may be acquired by any foreign nation under the laws and treaties of the United States relative to the duty on tonnage of vessels, or any other duty on vessels.

Note.—See sec. 34, Act of June 5, 1920.

## Coastwise and Fishing Vessels Exempt.

R. S. 4220 (46 U. S. C. 122). No vessel belonging to any citizen of the United States, trading from one port within the United States to another port within the United States, or employed in the bank, whale, or other fisheries, shall be subject to tonnage tax or duty, if such vessel be licensed, registered, or enrolled.

## Exemptions for Frontier Vessels.

R. S. 2793 (46 U. S. C. 111 and 123). Enrolled or licensed vessels engaged in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, departing from or arriving at a port in one district to or from a port in another district, and also touching at intermediate foreign ports, shall not thereby become liable to the payment of entry and clearance fees, or tonnage tax, as if from or to foreign ports; but such vessels shall, notwithstanding, be required to enter and clear.

R. S. 4221 (46 U. S. C. 113, 125). In cases of vessels making regular daily trips between any port of the United States and any port in the Dominion of Canada, wholly upon interior waters not navigable to the ocean, no tonnage or clearance fees shall be charged against such vessel by the officers of the United States, except upon

the first clearing of such vessel in each year.

Mar. 8, 1910 (46 U. S. C. 132). Vessels entering otherwise than by sea from a foreign port at which tonnage or lighthouse dues or other equivalent tax or taxes are not imposed on vessels of the United States shall be exempt from the tonnage duty of 2 cents per ton, not to exceed in the aggregate 10 cents per ton in any one year, prescribed by section 36 of the act of August 5, 1909.

# Tri-Weekly Passenger Vessels Exempt.

R. S. 2792 (46 U. S. C. 112). Any passenger vessel engaged triweekly or oftener in the trade between ports of the United States and foreign ports shall be exempt from entrance and clearance fees and tonnage taxes while such service triweekly or oftener is maintained. (May 28, 1908, sec. 1.)

# Philippine Vessels.

July 1, 1916, sec. 1 (46 U. S. C. 130). Vessels owned by citizens of the Philippine Islands and documented as such by the government of said islands shall hereafter be exempt in ports of the United States from payment of tonnage taxes and light dues; and the Secretary of the Treasury is hereby authorized, upon certification by the Director of the Bureau of Marine Inspection and Navigation, to refund, out of any money in the Treasury not otherwise appropriated, tonnage taxes and light dues imposed upon vessels owned and documented as aforesaid entering ports of the United States since August first, nineteen hundred and fourteen: Provided, That nothing contained herein shall be construed as exempting said vessels from any taxes or dues imposed by the government of the Philippine Islands. (June 30, 1932, sec. 501; May 27, 1936, sec. 1.)

## Discriminating Tonnage Taxes.

R. S. 4228 (46 U. S. C. 141). Upon satisfactory proof being given to the President, by the government of any foreign nation, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of such nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President may issue his proclamation, declaring that the foreign discriminating duties of tonnage and imposts within the United States are suspended and discontinued, so far as respects the vessels of such foreign nation, and the produce, manufactures, or merchandise imported into the United States from such foreign nation, or from any other foreign country; the suspension to take effect from the time of such notification being given to the President, and to continue so long as the reciprocal exemption of vessels, belonging to citizens of the United States, and their cargoes, shall be continued. and no longer.

Provided, That the President is authorized to suspend in part the operation of section 4219 and 2502 [46 U. S. C., 121 and 146] so that foreign vessels from a country imposing partial discriminating tonnage duties upon American vessels, or partial discriminating import duties upon American merchandise, may enjoy in our ports the identical privileges which the same class of American vessels and merchandise may enjoy in said foreign country. (July 24, 1897.)

(See subsequent statute below.)

## Provisions of Treaties Terminated.

June 5, 1930, sec. 34. In the judgment of Congress, articles or provisions in treaties or conventions to which the United States is a party, which restrict the right of the United States to impose discriminating customs duties on imports entering the United States in foreign vessels and in vessels of the United States, and which also restrict the right of the United States to impose discriminatory tonnage dues on foreign vessels and on vessels of the United States entering the United States should be terminated, and the President is hereby authorized and directed within ninety days after this Act becomes law to give notice to the several Governments, respectively, parties to such treaties or conventions, that so much thereof as imposes any such restriction on the United States will terminate on the expiration of such periods as may be required for the giving of such notice by the provisions of such treaties or conventions.

# Light Money (in Exceptional Cases).

R. S. 4225 (46 U. S. C. 128). A duty of 50 cents per ton, to be denominated "light money", shall be levied and collected on all vessels not of the United States, which may enter the ports of the United States. Such light money shall be levied and collected in the same manner and under the same regulations as the tonnage duties. (Mar. 4, 1915, sec. 1.) See Act Mar. 4, 1915, p. 373.

R. S. 4226 (46 U. S. C. 129). The preceding section shall not be deemed to operate upon unregistered vessels, owned by citizens of the United States, and carrying a sea letter, or other regular document, issued from a customhouse of the United States, proving the vessel to be American property. Upon the entry of every such vessel from

any foreign port, if the same shall be at the port at which the owner or any of the part owners reside, such owner or part owners shall make oath that the sea letter or other regular document possessed by such vessel contains the name or names of all the persons who are then the owners of the vessel; or if any part of such vessel has been sold or transferred since the date of such sea letter or document, that such is the case, and that no foreign subject or citizen has, to the best of his knowledge and belief, any share, by way of trust, confidence, or otherwise, in such vessel. If the owner or any part owner does not reside at the port or place at which such vessel shall enter, then the master shall make oath to the like effect. If the owner or part owner, where there is one, or the master, where there is no owner, shall refuse to so swear, such vessel shall not be entitled to the privileges granted by this section.

# Repeal of Penalties.

Mar. 4, 1915 (c. 171, sec. 1, 38 Stat. 1193). So much of sections 4219 and 4225 of the Revised Statutes (46 U.S. C. 121 and 128) as imposes tonnage duties of 50 cents per ton and light money of 50 cents per ton on a vessel owned by citizens of the United States but not a vessel of the United States; so much of section 4J, subsection 1, of the act of October 3, 1913, entitled "An Act to reduce tariff duties and to provide revenue for the Government, and for other purposes," as imposes a discriminating duty of 10 per centum ad valorem on all goods, wares, or merchandise imported in a vessel owned by citizens of the United States but not a vessel of the United States; and so much of section 4J, subsection 2, of the act aforesaid as provides for the forfeiture of any vessel owned by citizens of the United States but not a vessel of the United States, together with her cargo, tackle, apparel, and furniture, are hereby repealed. Any such tonnage duties, light money, or discriminating duties collected since the passage of the Act of August 18, 1914, shall be refunded, and any such forfeitures incurred are hereby remitted: Provided, however, That the provisions of this act shall apply only in case that any vessel of the character above described after entering an American port shall, before leaving the same, be registered as a vessel of the United States.

Vessels Arriving at Virgin Islands Exempt From Tonnage Tax or Light Money.

June 22, 1936, sec. 4 (48 U. S. C. 1405). No Federal laws levying tonnage duties, light money, or entrance and clearance fees shall apply to the Virgin Islands. (Aug. 7, 1939.)

Consular Tonnage Charges.

R. S. 4222 (46 U. S. C. 126). No consul or consular agent of the United States shall exact tonnage fees from any vessel of the United States, touching at or near ports in Canada, on her regular voyage from one port to another within the United States, unless such consul or consular agent shall perform some official services, required by law for such vessel, when she shall thus touch at a Canadian port.

# Refund of Tonnage Tax.

June 26, 1884, sec. 26 (18 U. S. C. 643). Whenever any fine, penalty, forfeiture, exaction, or charge arising under the laws relat-

ing to vessels or seamen has been paid to any collector of customs or consular officer, and application has been made within one year from such payment for the refunding or remission of the same, the Secretary of Commerce, if on investigation he finds that such fine, penalty, forfeiture, exaction, or charge was illegally, improperly, or excessively imposed, shall have the power, either before or after the same has been covered into the Treasury, to refund so much of such fine, penalty, forfeiture, exaction, or charge as he may think proper, from any moneys in the Treasury not otherwise appropriated. (Feb. 14, 1903, sec. 10.)

July 5, 1884, sec. 3 (46 U. S. C. 3). On all questions of interpretations \* \* \* relating to the collection of tonnage tax, and to the refund of such tax when collected erroneously or illegally, his [Director of The Bureau of Marine Inspection and Navigation] decision shall be final. (June 30, 1932, sec. 501; May 27, 1936, sec. 1.)

## Chapter XXIX.—DISCRIMINATION AGAINST AMERICAN VESSELS

# Retaliatory Suspension of Privileges.

June 19, 1886, sec. 17 (46 U. S. C. 142). Whenever any foreign country whose vessels have been placed on the same footing in the ports of the United States as American vessels (the coastwise trade excepted) shall deny to any vessels of the United States any of the commercial privileges accorded to national vessels in the harbors, ports, or waters of such foreign country, the President, on receiving satisfactory information of the continuance of such discriminations against any vessels of the United States, is hereby authorized to issue his proclamation excluding, on and after such time as he may indicate, from the exercise of such commercial privileges in the ports of the United States as are denied to American vessels in the ports of such foreign country, all vessels of such foreign country of a similar character to the vessels of the United States thus discriminated against, and suspending such concessions previously granted to the vessels of such country; and on and after the date named in such proclamation for it to take effect, if the master, officer, or agent of any vessel of such foreign country excluded by said proclamation from the exercise of any commercial privileges shall do any act prohibited by said proclamation in the ports, harbors, or waters of the United States for or on account of such vessel, such vessel, and its rigging, tackle, furniture, and boats, and all the goods on board shall be liable to seizure and to forfeiture to the United States; and any person opposing any officer of the United States in the enforcement of this act, or aiding and abetting any other person in such opposition, shall forfeit \$800, and shall be guilty of a misdemeanor, and, upon conviction, shall be liable to imprisonment for a term not exceeding two years.

# Discrimination Against American Fishing Vessels.

Mar. 3, 1887 (46 U. S. C. 143). Whenever the President of the United States shall be satisfied that American fishing vessels or American fishermen, visiting or being in the waters or at any ports or places of the British Dominions of North America, are or then lately have been denied or abridged in the enjoyment of any rights secured to them by treaty or law, or are or then lately have been unjustly vexed or harassed in the enjoyment of such rights, or subjected to unreasonable restrictions, regulations, or requirements in respect of such rights; or otherwise unjustly vexed or harassed in said waters, ports, or places;

Or whenever the President of the United States shall be satisfied that any such fishing vessels or fishermen, having a permit under the laws of the United States to touch and trade at any port or ports, place or places, in the British Dominions of North America, are or then lately have been denied the privilege of entering such port or ports, place or places, in the same manner and under the

same regulations as may exist therein applicable to trading vessels of the most favored nation, or shall be unjustly vexed or harassed, in respect thereof, or otherwise be unjustly vexed or harassed therein, or shall be prevented from purchasing such supplies as may there be

lawfully sold to trading vessels of the most favored nation;

Or whenever the President of the United States shall be satisfied that any other vessels of the United States, their masters or crews, so arriving at or being in such British waters or ports or places of the British Dominions of North America, are or then lately have been denied any of the privileges therein accorded to the vessels, their masters or crews, of the most favored nation, or unjustly vexed or harassed in respect of the same, or unjustly vexed or harassed therein by the authorities thereof, then, and in either or all of such cases,

It shall be lawful, and it shall be the duty of the President of the United States, in his discretion, by proclamation to that effect, to deny vessels, their masters and crews, of the British Dominions of North America, any entrance into the waters, ports, or places of, or within the United States (with such exceptions in regard to vessels in distress, stress of weather, or needing supplies as to the President shall seem proper), whether such vessels shall have come directly from said dominions on such destined voyage or by way of some port or place in such destined voyage elsewhere; and also to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States.

The president may, in his discretion, apply such proclamation to any part or to all of the foregoing-named subjects, and may revoke, qualify, limit, and renew such proclamation from time to time as he may deem necessary to the full and just execution of the purposes

of this act.

Every violation of any such proclamation, or any part thereof, is hereby declared illegal, and all vessels and goods so coming or being within the waters, ports, or places of the United States contrary to such proclamation shall be forfeited to the United States; and such forfeiture shall be enforced and proceeded upon in the same manner and with the same effect as in the case of vessels or goods whose importation or coming to or being in the waters or ports of the United States contrary to law may now be enforced and proceeded upon.

Every person who shall violate any of the provisions of this act or such proclamation of the President made in pursuance hereof, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding \$1,000, or by imprisonment for a term not exceeding two years, or by both said punishments, in

the discretion of the court.

Discrimination Against Products of the United States.

Aug. 30, 1890, sec. 5 (19 U. S. C. 181). Whenever the President shall be solisfied that unjust discriminations are made by or under the authority of any foreign state against the importation to or sale in such foreign state of any product of the United States, he may direct that such products of such foreign state so discriminating against any product of the United States as he may deem proper

shall be excluded from importation to the United States; and in such case he shall make proclamation of his direction in the premises, and therein name the time when such direction against importation shall take effect, and after such date the importation of the articles named in such proclamation shall be unlawful. The President may at any time revoke, modify, terminate, or renew any such direction as, in his opinion, the public interest may require.

## Discrimination on Canadian Canals.

July 26, 1892, sec. 1 (46 U. S. C. 144). With a view of securing reciprocal advantages for the citizens, ports, and vessels of the United States, whenever and so often as the President shall be satisfied that the passage through any canal or lock connected with the navigation of the Saint Lawrence River, the Great Lakes, or the waterways connecting the same, of any vessels of the United States, or of cargoes or passengers in transit to any port of the United States, is prohibited or is made difficult or burdensome by the imposition of tolls or otherwise which, in view of the free passage through the Saint Marys Falls Canal, now permitted to vessels of all nations, he shall deem to be reciprocally unjust and unreasonable, he shall have the power, and it shall be his duty, to suspend by proclamation to that effect, for such time and to such extent (including absolute prohibition) as he shall deem just, the right of free passage through the Saint Marys Falls Canal, so far as it relates to vessels owned by the subjects of the government so discriminating against the citizens, ports, or vessels of the United States, or to any cargoes, portions of cargoes, or passengers in transit to the ports of the government making such discrimination, whether carried in vessels of the United States or of other nations.

In such case and during such suspension tolls shall be levied, col-

lected, and paid as follows, to wit:

Upon freight of whatever kind or description, not to exceed \$2 per ton; upon passengers, not to exceed \$5 each, as shall be from

time to time determined by the President:

Provided, That no tolls shall be charged or collected upon freight or passengers carried to and landed at Ogdensburg, or any port west of Ogdensburg, and south of a line drawn from the northern boundary of the State of New York through the Saint Lawrence River, the Great Lakes, and their connecting channels to the northern

boundary of the State of Minnesota.

JULY 26, 1892, sec. 2 (46 U. S. C. 145). All tolls so charged shall be collected under such regulations as shall be prescribed by the Secretary of Commerce, who may require the master of each vessel to furnish a sworn statement of the amount and kind of cargo and the number of passengers carried and the destination of the same, and such proof of the actual delivery of such cargo or passengers at some port or place within the limits above named as he shall deem satisfactory; and until such proof is furnished such freight and passengers may be considered to have been landed at some port or place outside of those limits, and the amount of tolls which would have accrued if they had been so delivered shall constitute a lien, which may be enforced against the vessel in default wherever and whenever found in the waters of the United States. (Feb. 14, 1903, sec. 10; Mar. 4, 1913, sec. 1.)

## Retaliation.

Sept. 8, 1916, sec. 805 (15 U. S. C. 76). Whenever, during the existence of a war in which the United States is not engaged, the President shall be satisfied that there is reasonable ground to believe that under the laws, regulations, or practices of any country, colony, or dependency contrary to the law and practice of nations, the importation into their own or any other country, dependency, or colony of any article the product of the soil or industry of the United States and not injurious to health or morals is prevented or restricted the President is authorized and empowered to prohibit or restrict during the period such prohibition or restriction is in force, the importation into the United States of similar or other articles, products of such country, dependency, or colony as in his opinion the public interest may require; and in such case he shall make proclamation stating the article or articles which are prohibited from importation into the United States; and any person or persons who shall import, or attempt or conspire to import, or be concerned in importing, such article or articles, into the United States contrary to the prohibition in such proclamation, shall be liable to a fine of not less than \$2,000 nor more than \$50,000, or to imprisonment not to exceed two years, or both, in the discretion of the court. The President may change, modify, revoke, or renew such proclamation in his discretion.

Sept. 8, 1916, sec. 806 (15 U. S. C. 77). Whenever, during the existence of a war in which the United States is not engaged, the President shall be satisfied that there is reasonable ground to believe that any vessel, American or foreign, is, on account of the laws, regulations, or practices of a belligerent Government, making or giving any undue or unreasonable preference or advantage in any respect whatsoever to any particular person, company, firm, or corporation, or any particular description of traffic in the United States or its possessions or to any citizens of the United States residing in neutral countries abroad, or is subjecting any particular person, company, firm, or corporation or any particular description of traffic in the United States or its possessions, or any citizens of the United States residing in neutral countries abroad to any undue or unreasonable prejudice, disadvantage, injury, or discrimination in regard to accepting, receiving, transporting, or delivering, or refusing to accept, receive, transfer, or deliver any cargo, freight, or passengers, or in any other respect whatsoever, he is hereby authorized and empowered to direct the detention of such vessels by withholding clearance or by formal notice forbidding departure, and to revoke, modify, or renew any such direction.

Whenever, during the existence of a war in which the United States is not engaged, the President shall be satisfied that there is reasonable ground to believe that under the laws, regulations, or practices of any belligerent country or Government, American ships or American citizens are not accorded any of the facilities of com-

merce which the vessels or citizens of that belligerent country enjoy in the United States or its possessions, or are not accorded by such belligerent equal privileges or facilities of trade with vessels or citizens of any nationality other than that of such belligerent, the

President is hereby authorized and empowered to withhold clear-

ance from one or more vessels of such belligerent country until such belligerent shall restore to such American vessels and American citizens reciprocal liberty of commerce and equal facilities of trade; or the President may direct that similar privileges and facilities, if any, enjoyed by vessels or citizens of such belligerent in the United States or its possessions be refused to vessels or citizens of such belligerent; and in such case he shall make proclamation of his direction, stating the facilities and privileges which shall be refused, and the belligerent to whose vessels or citizens they are to be refused, and thereafter the furnishing of such prohibited privileges and facilities to any vessel or citizen of the belligerent named in such proclamation shall be unlawful; and he may change, modify, revoke, or renew such proclamation; and any person or persons who shall furnish or attempt or conspire to furnish or be concerned in furnishing or in the concealment of furnishing facilities or privileges to ships or persons contrary to the prohibition in such proclamation shall be liable to a fine of not less than \$2,000 nor more than \$50,000 or to imprisonment not to exceed two years, or both, in the discretion of

In case any vessel which is detained by virtue of this Act shall depart or attempt to depart from the jurisdiction of the United States without clearance or other lawful authority, the owner or master or person or persons having charge or command of such vessel shall be severally liable to a fine of not less than \$2,000 nor more than \$10,000, or to imprisonment not to exceed two years, or both, and in addition such vessel shall be forfeited to the United

States.

The President of the United States is hereby authorized and empowered to employ such part of the land or naval forces of the United States as shall be necessary to carry out the purposes of this Act.

# Chapter XXX.—MOTOR BOATS

Defined.

June 9, 1910, sec. 1 (46 U. S. C. 511). The words "motor boat" where used in this Act shall include every vessel propelled by machinery and not more than sixty-five feet in length, except tug boats and tow boats propelled by steam. The length shall be measured from end to end over the deck, excluding sheer: Provided, That the engine, boiler, or other operating machinery shall be subject to inspection by the local inspectors of steam vessels, and to their approval of the design thereof, on all said motor boats, which are more than forty feet in length, and which are propelled by machinery driven by steam.

### Classes.

June 9, 1910, sec. 2 (46 U. S. C. 512). Motor boats subject to the provisions of this Act shall be divided into classes, as follows: Class one. Less than twenty-six feet in length.

Class two. Twenty-six feet or over and less than forty feet in

length.

Class three. Forty feet or over and not more than sixty-five feet in length.

Lights.

JUNE 9, 1910, sec. 3 (46 U.S. C. 513). Every motor boat in all weathers from sunset to sunrise shall carry the following lights, and during such time no other lights which may be mistaken for those prescribed shall be exhibited.

(a) Every motor boat of class one shall carry the following lights:

First. A white light aft to show all around the horizon.

Second. A combined lantern in the fore part of the vessel and lower than the white light aft showing green to the starboard and red to port, so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.

(b) Every motor boat of classes two and three shall carry the

following lights:

First. A bright white light in the forepart of the vessel as near the stem as practicable, so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side. The glass or lens shall be of not less than the following dimensions:

Class two. Nineteen square inches. Class three. Thirty-one square inches.

Second. A white light aft to show all around the horizon.

Third. On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side. On the port side a

red light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side. The glasses or lenses in the said side lights shall be of not less than the following dimensions on motor boats of—

Class two. Sixteen square inches.

Class three. Twenty-five square inches.

All glasses or lenses prescribed by paragraph (b) of section 3 [sec. 513] shall be fresnel or fluted. The said lights shall be fitted with inboard screens of sufficient height and so set as to prevent these lights from being seen across the bow and shall be of not less than the following dimensions on motor boats of—

Class two. Eighteen inches long.

Class three. Twenty-four inches long: Provided, That motor boats as defined in this Act, when propelled by sail and machinery or under sail alone, shall carry the colored lights suitably screened but not the white lights prescribed by this section.

# Sound Signals.

June 9, 1910, sec. 4 (46 U. S. C. 514). (a) Every motor boat under the provisions of this Act shall be provided with a whistle or other sound-producing mechanical appliance capable of producing a blast of two seconds or more in duration, and in case of such boats so provided a blast of at least two seconds shall be deemed a prolonged blast within the meaning of the law.

(b) Every motor boat of class two or three shall carry an efficient

foghorn.

(c) Every motor boat of class two or three shall be provided with an efficient bell, which shall be not less than eight inches across the mouth on board of vessels of class three.

# Life Preservers; Licenses.

June 9, 1910, sec. 5 (46 U.S. C. 515). Every motor boat subject to any of the provisions of this Act, and also all vessels propelled by machinery other than by steam more than sixty-five feet in length, shall carry either life preservers or life belts, or buoyant cushions, or ring buoys or other device, to be prescribed by the Secretary of Commerce, sufficient to sustain afloat every person on board and so placed as to be readily accessible. All motor boats carrying passengers for hire shall carry one life preserver of the sort prescribed by the regulations of the Board of Supervising Inspectors for every passenger carried, and no such boat while so carrying passengers for hire shall be operated or navigated except in charge of a person duly licensed for such service by the local board of inspectors. No examination shall be required as the condition of obtaining such a license, and any such license shall be revoked or suspended by the local board of inspectors for misconduct, gross negligence, recklessness in navigation, intemperance, or violation of law on the part of the holder, and if revoked the person holding such license shall be incapable of obtaining another such license for one year from the date of revocation: Provided, That motor boats shall not be required to carry licensed officers, except as required in this Act.

# Means of Extinguishing Burning Gasoline.

JUNE 9, 1910, sec. 6 (46 U. S. C. 516). Every motor boat and also every vessel propelled by machinery other than by steam, more than sixty-five feet in length, shall carry ready for immediate use the means of promptly and effectually extinguishing burning gasoline.

# Penalty for Violations.

June 9, 1910, sec. 7 (46 U. S. C. 517). A fine not exceeding \$100 may be imposed for any violation of this Act. The motor boat shall be liable for the said penalty and may be seized and proceeded against, by way of libel, in the district court of the United States for any district within which such vessel may be found.

# Regulations; Remission of Fine or Penalty.

June 9, 1910, sec. 8 (46 U.S. C. 518). The Secretary of Commerce shall make such regulations as may be necessary to secure the proper execution of this Act by collectors of customs and other officers of the Government. And the Secretary of the Department of Commerce may, upon application therefor, remit or mitigate any fine, penalty, or forfeiture relating to motor boats except for failure to observe the provisions of section 6 [sec. 516] of this Act.

# International Rules for Preventing Collisions at Sea in Effect.

June 9, 1910, sec. 9 (46 U. S. C. 519). All laws and parts of laws only in so far as they are in conflict herewith are hereby repealed: *Provided*, That nothing in this Act shall be deemed to alter or amend Acts of Congress embodying or revising international rules for preventing collisions at sea.

# Certain Exemptions.

Aug. 7, 1939, sec. 1 (46 U. S. C. 521). Sections 4 and 6 of the Act of June 9, 1910 (U. S. C., 1934 edition, title 46, secs. 514 and 516), shall not apply to motorboats propelled by outboard motors while competing in any race previously arranged and announced, or if such boats be designed and intended solely for racing, while engaged in such navigation as is incidental to the tuning up of the boats and engines for the race.

# Numbering.

June 7, 1918, sec. 1 (46 U. S. C. 288). Every undocumented vessel, operated in whole or in part by machinery, owned in the United States and found on the navigable waters thereof, except public vessels, and vessels not exceeding sixteen feet in length measured from end to end over the dock excluding sheer, temporarily equipped with detachable motors, shall be numbered. Such numbers shall be not less in size than three inches and painted or attached to each bow of the vessel in such manner and color as to be distinctly visible and legible. When a number is awarded to a vessel under the provisions of this Act, a certificate of such award shall be issued by the collector, the said certificate to be at all times kept on board of such vessel and to constitute a document in lieu of enrollment or license.

The said numbers, on application of the owner or master, shall be awarded by the collector of customs of the district in which the vessel is owned and a record thereof kept in the customhouse of the district in which the owner as managing owner resides. No numbers not so awarded shall be carried on the bows of such vessel.

Notice of destruction or abandonment of such vessels or change in their ownership shall be furnished within ten days by the owners to the collectors of customs of the districts where such numbers were awarded. Such vessel sold into another customs district may be numbered anew in the latter district.

The penalty for violation of any provision of this Act shall be \$10, for which the vessel shall be liable and may be seized and proceeded against in the district court of the United States in any district in which such vessel may be found. Such penalty on application may be mitigated or remitted by the Secretary of Commerce.

The Secretary of Commerce shall make such regulations as may be necessary to secure proper execution of this Act by collector of customs and other officers of the Government. (Aug. 5, 1935, sec. 210.)

# Carriage of Pilot Rules not Required.

Aug. 7, 1939, sec. 2 (46 U. S. C. 522). Motorboats as defined by section 1 of the Act of June 9, 1910 (U. S. C., 1934 edition, title 46, sec. 511), the Act of June 7, 1897 (U. S. C., 1934 edition, title 33, ch. 3), the Act of February 8, 1895 (U. S. C., 1934 edition, title 33, ch. 4), and by section 4412 of the Revised Statutes (U. S. C., 1934 edition, title 33, ch. 5) shall not be required to carry on board copies of the pilot rules.

# Chapter XXXI.—COAST GUARD

### Establishment of.

Jan. 28, 1915, sec. 1 (14 U. S. C. 1). The Coast Guard as heretofore established in lieu of the Revenue Cutter Service and the Life Saving Service, existing prior to January 28, 1915, is continued. The Coast Guard shall constitute a part of the military forces of the United States and shall operate under the Treasury Department in time of peace and operate as a part of the Navy, subject to the orders of the Secretary of the Navy, in time of war or when the President shall so direct. When subject to the Secretary of the Navy in time of war the expense of the Coast Guard shall be paid by the Navy Department: Provided, That no provision of this Act shall be construed as giving any officer of either the Coast Guard or the Navy, military or other control at any time over any vessel, officer, or man of the other service except by direction of the President.

# Existing Laws Made Applicable to.

Jan. 28, 1915, sec. 2 (14 U. S. C. 38). Except as thereafter modified all laws existing January 28, 1915, relating either to the present Life Saving Service or the Revenue Cutter Service shall remain of force as far as applicable to the Coast Guard, and the offices, positions, operations, and duties shall in all respects be held and construed to impose the same duties upon the positions and their incumbents in the Coast Guard as were imposed January 28, 1915, upon the corresponding positions and incumbents in the said two organizations.

# Weekly Reports to Collectors of Customs.

R. S. 2761 (14 U. S. C. 70). The commanding officer of any Coast Guard cutter shall make a weekly return to the collector, or other officer of the district under whose direction it is placed, of the transactions of the cutter, specifying the vessels that have been boarded, their names and descriptions, the names of the masters, from what port or place they last sailed, whether laden or in ballast, to what nation belonging, and whether they have the necessary manifests of their cargoes on board, and generally all such matters as it may be necessary for the officers of the customs to know.

# Additional Customs Duties Under Direction of Secretary of Treasury.

R. S. 2762 (14 U. S. C. 67). The officers of Coast Guard cutters shall perform, in addition to the duties hereinbefore prescribed, such other duties for the collection and security of the revenue as from time to time shall be directed by the Secretary of the Treasury, not contrary to law.

#### Jurisdiction of.

June 22, 1936, sec. 1 (14 U.S. C. 45). Commissioned, warrant, and petty officers of the Coast Guard are hereby empowered to make

inquiries, examinations, inspections, searches, seizures, and arrests upon the high seas, and the navigable waters of the United States, its Territories, and possessions, except the Philippine Islands, for the prevention, detection, and suppression of violations of laws of the United States: Provided, That nothing herein contained shall apply to the inland waters of the United States, its Territories, and possessions, other than the Great Lakes and the connecting waters thereof. For such purposes, such officers are authorized at any time to go on board of any vessel, subject to the jurisdiction, or to the operation of any law, of the United States, to address inquiries to those on board, to examine the ship's documents and papers, and to examine, inspect, and search the vessel and use all necessary force to compel compliance. When from such inquiries, examination, inspection, or search it shall appear that a breach of the laws of the United States rendering a person liable to arrest is being, or has been committed, by any person, such person shall be arrested or, if escaping to shore, shall be immediately pursued and arrested on shore, or other lawful and appropriate action shall be taken; or, if it shall appear that a breach of the laws of the United States has been committed so as to render such vessel, or the merchandise, or any part thereof, on board of, or brought into the United States by, such vessel, liable to forfeiture, or, so as to render such vessel liable to a fine or penalty and if necessary to secure such fine or penalty, such vessel shall be seized.

# Acts as Agent for Other Departments.

June 22, 1936 (14 U. S. C. 46). The officers of the United States Coast Guard, insofar as they are engaged, pursuant to the authority contained in this act, in enforcing any law of the United States, shall—

(a) Be deemed to be acting as agents of the particular executive department or independent establishment charged with the adminis-

tration of the particular law; and

(b) Be subject to all the rules and regulations promulgated by such department or independent establishment with respect to the enforcement of that law.

## Effect on Other Laws.

June 22, 1936 (14 U. S. C. 47). The foregoing provisions shall be in addition to any powers conferred by law upon such officers, and not in limitation of any powers conferred by law upon such officers or any other officers of the United States.

## Inland Waters Defined.

June 22, 1936 (14 U. S. C. 48). The term "inland waters" as used in this act shall not be construed to include harbors, bays, sounds, roadsteads, and like bodies of water along the coasts of the United States, its Territories, and possessions, and shores of the Great Lakes.

# Use of Vessels for Protection of Revenue; Authority of President.

R. S. 2747 (14 U. S. C. 52). The President may, for the better securing the collection of import or tonnage duties, cause to be maintained so many of the Coast Guard cutters as may be necessary to be employed for the protection of the revenue, the expense whereof

shall be paid out of such sum as shall be annually appropriated for the Coast Guard, and not otherwise.

Authority of Secretary of Treasury as to Use of Vessels for Protection of Revenue.

R. S. 2758 (14 U. S. C. 51). The Secretary of the Treasury may direct the performance of any service by the Coast Guard vessels which, in his judgment, is necessary for the protection of the revenue.

Customs Duties of Officers of Cutters.

R. S. 2760 (14 U. S. C. 66). The officers of the Coast Guard cutters shall respectively be deemed officers of the customs, and shall be subject to the direction of such collectors of the revenue, or other officers thereof, as from time to time shall be designated for that purpose. They shall go on board all vessels which arrive within the United States or within four leagues of the coast thereof, if bound for the United States, and search and examine the same, and every part thereof, and shall demand, receive, and certify the manifests required to be on board certain vessels, shall affix and put proper fastenings on the hatches and other communications with the hold of any vessel, and shall remain or board such vessels until they arrive at the port or place of their destination.

Ensigns and Pennants for Coast Guard Cutters, etc.

R. S. 2764 (14 U. S. C. 64). Coast Guard vessels shall be distinguished from other vessels by an ensign and pennant, of such design as the President shall prescribe, the same to be flown as circumstances require. If any vessel or boat, not employed in the service of the customs, shall, within the jurisdiction of the United States, without authority, carry or hoist any pennant or ensign prescribed for, or intended to resemble any pennant or ensign prescribed for, Coast Guard vessels, the master of the vessel so offending shall be liable to a fine of not less than \$1,000 and not more than \$5,000, or to imprisonment for not less than six months and not more than two years, or to both such fine and imprisonment.

(b) For the purposes of this section, any place in the United States or within the customs waters of the United States as defined in the Anti-Smuggling Act, shall be deemed within the jurisdiction

of the United States. (Aug. 5, 1935, sec. 308.)

Stopping Vessels; Immunity of Coast Guard Officer.

R. S. 2765 (14 U. S. C. 68). Whenever any vessel liable to seizure or examination does not bring-to, on being required to do so, or on being chased by any cutter or boat which has displayed the pendant and ensign prescribed for vessels in the Coast Guard, the master of such cutter or boat may fire at or into such vessel which does not bring-to, after such pendant and ensign has been hoisted, and a gun has been fired by such cutter or boat as a signal; and such master, and all persons acting by, or under his direction, shall be indemnified from any penalties or actions for damages for so doing. If any person is killed or wounded by such firing, and the master is prosecuted or arrested therefor, he shall be forthwith admitted to bail.

Use of Vessels for Private Purpose; Penalty for Wrongful Use.

July 7, 1884 (14 U. S. C. 65). Hereafter Coast Guard cutters shall be used exclusively for the public service, and in no way for private purposes. Any person using any vessel in the Coast Guard for private purposes, in violation of law, shall upon conviction thereof, be fined \$1,000. (Jan. 28, 1915, sec. 6.)

To Furnish Medical Aid to Fishing Crews.

June 24, 1914 (14 U.S. C. 59, 61). \* \* \* In the discretion of the Secretary of the Treasury, any of the Coast Guard cutters in commission may be used to extend medical and surgical aid to the crews of American vessels engaged in the deep-sea fisheries, under such regulations as the Secretary of the Treasury may from time to time prescribe, and the said Secretary is hereby authorized to detail for duty on Coast Guard cutters such surgeons and other persons of the Public Health Service as he may deem necessary.

Claims for Damages Occasioned by Vessels.

June 15, 1936 (14 U. S. C. 71). The Secretary of the Treasury may consider, ascertain, adjust, and determine any claim accruing after the approval of this Act, on account of damages occasioned by collisions or incident to the operation of vessels of the United States Coast Guard or of the United States Public Health Service, and for which damage the said vessels shall be found to be responsible, and such amount as may be ascertained and determined to be due any claimant, not exceeding \$3,000 in any one case, shall be certified to Congress as a legal claim for payment out of appropriations that may be made by Congress therefor, together with a brief statement of the character of each claim, the amount claimed, and the amount allowed: Provided, That no claim shall be considered under this act unless presented to the Secretary of the Treasury within one year from the date of the accrual of said claim: Provided further, That acceptance by any claimant of the amount determined to be due under the provisions of the act shall be deemed to be in full and final settlement of such claim against the Government of the United States.

Placing Warnings Over Obstructions.

R. S. 4676 (33 U. S. C. 736). Whenever the owner of any sunken vessel, boat, watercraft, raft, or other similar obstruction existing on any river, lake, harbor, sound, bay, or canal or other navigable waters of the United States has failed to mark or in the judgment of the Commandant of the Coast Guard has failed suitably to mark, the same in accordance with the provisions of section 15 of the Act of March 3, 1899 (ch. 425, 30 Stat. 1152), the Commandant of the Coast Guard is authorized to suitably mark the same for the protection of navigation. Until such time as abandonment of any such obstruction has been established in accordance with the provisions of section 19 of the Act of March 3, 1899 (ch. 425, 30 Stat. 1154), the owner thereof shall pay to the Commandant of the Coast Guard the cost of such marking. As soon as abandonment of any such obstruction has been so established, it shall be the duty of the Secretary of War to keep the same so marked pending removal thereof in accordance with the provisions of section 19 of the Act of March 3, 1899 (ch. 425, 30 Stat.

of the Department of War continue the suitable marking of any such obstruction for and on behalf of that Department. The cost of continuing any such marking shall be borne by the Department of War. All moneys received by the Commandant of the Coast Guard from the owners of obstructions, in accordance with the provisions of this section, shall be covered into the Treasury of the United States as miscellaneous receipts. No provision of this section shall be construed so as to relieve the owner of any such obstruction from the duty and responsibility suitably to mark the same in accordance with the provisions of section 15 of the Act of March 3, 1899 (ch. 425, 30 Stat. 1152).

Sec. 2. The Lighthouse Service is authorized, whenever an aid to navigation or other property belonging to that Service is damaged or destroyed by a private person, and such private person or his agent shall pay to the satisfaction of the proper official of the Lighthouse Service for the cost of repair or replacement of such property, to accept and deposit such payments, through proper officers of the Division of Disbursement, Treasury Department, in special deposit accounts in the Treasury, for payment therefrom to the person or persons repairing or replacing the damaged property and refundment of amounts collected in excess of the cost of the repairs or

replacements concerned.

Sec. 3. The Commandant of the Coast Guard, subject to the approval of the Secretary of the Treasury, is authorized in his discretion hereafter to establish and maintain aids to navigation to mark rivers, waterways, or channels, connected by navigable waters with the sea or the Great Lakes, which have been improved for navigation by the United States under proper authority, and appropriations made for the support of the Lighthouse Service are made available for the expenses of establishing and maintaining such aids to navigation. (August 16, 1937, sec. 1.)

Note.—Pursuant to authority vested in him by the Government Reorganization Act, 1938, the President of the United States, by Executive Order, transferred the Bureau of Lighthouses to the United States Coast Guard.

# Investigation of Shipwrecks Accompanied With Loss of Life.

June 18, 1878, sec. 9 (14 U. S. C. 111). Upon the occurrence of any shipwreck within the scope of the operations of the Coast Guard Service, attended with loss of life, the commandant shall cause an investigation of all the circumstances connected with said disaster and loss of life to be made, with a view of ascertaining the cause of the disaster, and whether any of the officers or employees of the service have been guilty of neglect or misconduct in the premises; and any officer or clerk in the employment of the Treasury Department who may be detailed to conduct such investigation, or to examine into any alleged incompetency or misconduct of any of the officers or employees of the Coast Guard Service shall have authority to administer an oath to any witness attending to testify or depose in the course of such investigation.

# Powers and Duties of Keepers Generally; Residence.

June 18, 1878, sec. 4 (14 U. S. C. 104). The keepers of Coast Guard stations and houses of refuge shall have the powers of in-

spectors of customs, but shall receive no additional compensation for duties performed as such: *Provided*, That said keepers shall have authority and be required to take charge of and protect all property saved from shipwreck at which they may be present, until it is claimed by parties legally authorized to receive it, or until otherwise instructed to dispose of it by the Secretary of the Treasury; and keepers of Coast Guard stations and houses of refuge shall be required to reside continually at or in the immediate vicinity of their respective stations. (*June 18*, 1878, sec. 4.)

# Assistance by.

R. S. 2759 (14 U. S. C. 60). The Coast Guard cutters on the northern and northwestern lakes, when put in commission, shall be specially charged with aiding vessels in distress on the lakes.

# Detail of Vessels for Patrol Duty.

R. S. 1536 (14 U. S. C. 53). The President may, when the necessities of the service permit it, cause any suitable number of public vessels adapted to the purpose to cruise upon the coast in the season of severe weather and to afford such aid to distressed navigators as their circumstances may require; and such public vessels shall go to sea fully prepared to render such assistance.

## Removal of Derelicts.

J. R. Oct. 31, 1893 (46 U. S. C. 726). The President of the United States is hereby authorized to make with the several governments interested in the navigation of the North Atlantic Ocean, an international agreement providing for the reporting, marking, and removal of dangerous wrecks, derelicts, and other menaces to navigation in the North Atlantic Ocean outside the coast waters of the respective countries bordering thereon.

# Detail to Remove or Destroy Derelicts.

Mar. 3, 1905, sec. 1 (34 U. S. C. 473). The President in his discretion may temporarily detail any vessel or vessels of the Navy to remove or destroy derelicts in the course of vessels at sea. The regulations to govern the detail and service of said vessels shall be prescribed by the Secretary of the Navy and approved by the President.

# Placing Warnings Over Obstructions.

R. S. 4676 (33 U. S. C. 736). The Commandant of the Coast Guard may, when it deems it necessary, place a light vessel, or other suitable warning of danger, on or over any wreck or temporary obstruction to the entrance of any harbor, or in the channel or fairway of any bay or sound.

### Establishment Reserve.

June 23, 1939, sec. 2 (14 U. S. C. 252). In the interest of (a) safety to life at sea and upon the navigable waters, (b) the promotion of efficiency in the operation of motorboats and yachts, and (c) a wider knowledge of, and better compliance with, the laws, rules, and regulations governing the operation and navigation of motorboats and yachts, and (d) facilitating certain operations of the Coast Guard, there is hereby established a United States Coast Guard Reserve (hereinafter referred to as the "Reserve") which shall be composed of

citizens of the United States and of its Territories and possessions, except the Philippine Islands, who are owners (sole or part) of motorboats or yachts, and who may be enrolled therein pursuant to regulations prescribed under the authority of this Act.

# Voluntary Organization.

JUNE 23, 1939, sec. 3 (14 U. S. C. 253). The Reserve shall be a voluntary organization and shall be administered by the Commandant of the Coast Guard (hereinafter referred to as the "Commandant") under the direction of the Secretary of the Treasury, and the Commandant shall, with the approval of the Secretary of the Treasury, prescribe such regulations as may be necessary to effectuate the purposes of this Act.

## Use of Reserve Vessels.

June 23, 1939, sec. 4 (14 U. S. C. 254). The Coast Guard is authorized to utilize in the conduct of duties incident to the saving of life and property and in the patrol of marine parades and regattas any motorboat or yacht temporarily placed at its disposition for any of such purposes by any member of the Reserve: Provided, That no such motorboat or yacht shall be assigned to any such Coast Guard duty unless it is placed in charge of a commissioned officer, chief warrant officer, warrant officer, or petty officer of the Coast Guard during such assignment: Provided further, That appropriations for the Coast Guard shall be available for the payment of actual necessary expenses of operation of any such motorboat or yacht when so utilized, but shall not be available for the payment of compensation for personal services, incident to such operation, to other than the personnel of the regular Coast Guard.

## Classification of Reserve Vessels.

June 23, 1939, sec. 5 (14 U. S. C. 255). Any motorboat or yacht, while assigned to Coast Guard duty as herein authorized, shall be deemed to be a public vessel of the United States, and, within the meaning of the Act of June 15, 1936 (49 Stat. 1514; U. S. C., Supp. IV, title 14, sec. 71), shall be deemed to be a vessel of the United States Coast Guard.

# Distinguishing Insignia.

June 23, 1939, sec. 6 (14 U. S. C. 256). The Secretary of the Treasury shall prescribe one or more suitable distinguishing flags to be flown from the motorboats and yachts owned by members of the Reserve, and one or more suitable insignias which may be worn by such members. Such flags and insignias shall be furnished by the Coast Guard to members of the Reserve at actual cost, and the proceeds received therefor shall be credited to the appropriation from which paid. Any person who shall, without proper authority, fly from a motorboat, yacht, or other vessel, any flag of the Reserve, or wear any insignia of the Reserve, shall, upon conviction thereof, be punished by a fine not exceeding \$100.

# Limitation of Authority of Members.

June 23, 1939, sec. 7 (14 U.S. C. 257). No member of the Reserve, solely by reason of such membership, shall be vested with or exercise any right, privilege, power, or duty vested in or imposed upon the personnel of the Coast Guard.

Coast Guard Facilities may be Utilized.

JUNE 23 1939, sec. 8 (14 U. S. C. 258). The services and facilities of the Coast Guard may be employed in the administration and operation of the Reserve; and the appropriations for the Coast Guard shall be available to effectuate the purposes of this Act.

International Agreements on Ice Patrol and Derelict Destruction.

June 25, 1936, sec. 1 (46 U.S. C. 738). The President is authorized to conclude agreements with interested maritime nations (a) to maintain in the North Atlantic Ocean a service of ice patrol, of study and observation of ice and current conditions, and of assistance to vessels and their crews requiring aid within the limits of the patrol; (b) to maintain a service of study and observation of ice and current conditions in such waters as may affect the set and drift of ice in the North Atlantic Ocean; and (c) to undertake all practicable steps to insure the destruction or removal of derelicts in the northern part of the Atlantic Ocean, east of the line drawn from Cape Sable to a point in latitude thirty-four degrees north, longitude seventy degrees west, if this destruction or removal is necessary. The President is further authorized to include in such agreements a provision for payment to the United States by the countries concerned, of their proportionate share of the expense for maintenance of the services named, or for the United States to contribute its proportionate share shiuld it be agreed that another country was to maintain the patrol.

## Patrol Services.

June 25, 1936, sec. 2 (46 U. S. C. 738a). (a) Unless the agreements made in accordance with section 1 provide otherwise, an ice patrol shall be maintained during the whole of the ice season in guarding the southeastern, southern, and southwestern limits of the region of icebergs in the vicinity of the Grand Banks of Newfoundland, and the patrol shall inform trans-Atlantic and other passing vessels by radio and such other means as are available of the ice conditions and the extent of the dangerous region. A service of study of ice and current conditions, a service of affording assistance to vessels and crews requiring aid, and a service of removing and destroying derelicts shall be maintained during the ice season and any or all such services may be maintained during the remainder of the year as may be advisable.

(b) The ice patrol vessels shall warn vessels known to be approach-

ing a dangerous area and recommend safe routes.

(c) The ice patrol vessels shall record the name, together with all the facts in the case, of any ship which is observed or known to be on other than a regular recognized or advertised ship route crossing the North Atlantic Ocean, or to have crossed the fishing banks of Newfoundland north of latitude forty-three degrees north during the fishing season, or, when proceeding to and from ports of North America to have passed through regions known or believed to be endangered by ice. The name of any such ship and all pertinent information relating to the incident shall be reported to the government of the country to which the ship belongs, if the government of that country so requests.

(d) The Commandant of the Coast Guard, under the direction of the Secretary of the Treasury, shall administer the services pro-

vided for in this section and shall assign thereto such vessels, material, and personnel of the Coast Guard as may be necessary. Any executive department or agency may upon the request of the Secretary of the Treasury detail personnel, loan or contribute material or equipment, or otherwise assist in the carrying out of the services named.

(e) The Commandant of the Coast Guard shall publish each year a report of the activities of the services provided for in this section, a copy of which shall be furnished to each interested foreign gov-

ernment and to each agency assisting in the work.

## North Atlantic Routes.

June 25, 1936, sec. 3 (46 U. S. C. 738b). (a) The owner, or operating agent, of any passenger vessel of the United States crossing the North Atlantic Ocean shall give public notice, in such manner as may be prescribed by the Secretary of the Treasury, of the regular routes which he proposes such vessel will follow and of any changes made in a route, and shall require the vessel to follow the published route as far as circumstances will permit. Any passenger vessel of the United States crossing the North Atlantic Ocean shall follow, as far as circumstances will permit, the recognized ship routes; it shall avoid, as far as practicable, the fishing banks of Newfoundland, north of latitude forty-three degrees north during the fishing season; and shall, as far as circumstances will permit, pass outside of the regions reported or known to be endangered by ice.

(b) If the owner, or operating agent, of any such passenger vessel fails to comply with this section, he shall for each offense be

liable to a fine not exceeding \$100.

Speed of Vessel in Ice Region; Penalty.

June 25, 1936, sec. 4 (46 U. S. C. 738c). (a) The master of every vessel of the United States, when ice is reported on or near his course, shall proceed at a moderate speed or alter his course so as to go well clear of the danger zone.

(b) If the master of any such ship fails to comply with this section, he shall for each offense be liable to a fine not exceeding \$500.

Publication of Rules and Regulations in Federal Register.

June 25, 1936, sec. 5 (46 U. S. C. 738d). All rules and regulations, except such as have no general applicability and legal effect or are effective only against Federal agencies or persons in their capacity as officers, agents, or employees thereof, issued, prescribed, or promulgated pursuant to authority contained herein, shall be forwarded forthwith to the Division of the Federal Register in The National Archives for filing and publishing in the Federal Register.

# Chapter XXXII.—RULES TO PREVENT COLLISIONS

International Pilot Rules.

## DEFINITIONS

Aug. 19, 1890, sec. 1 (33 U. S. C. 62). In the following rules every steam vessel which is under sail and not under steam is to be considered a sailing vessel, and every vessel under steam, whether under sail or not, is to be considered a steam vessel.

The word "steam vessel" shall include any vessel propelled by

machinery.

A vessel is "under way" within the meaning of these rules when she is not at anchor, or made fast to the shore, or aground.

# LIGHTS, ETC.

Aug. 19, 1890, sec. 1 (33 U. S. C. 63). The word "visible" in these rules when applied to lights shall mean visible on a dark night with a clear atmosphere.

## TIME FOR LIGHTS

Aug. 19, 1890, sec. 1 (33 U.S. C. 71). Article 1. The rules concerning lights shall be complied with in all weathers from sunset to sunrise, and during such time no other lights which may be mistaken for the prescribed lights shall be exhibited.

#### STEAM VESSELS-MASTHEAD LIGHT

Aug. 19, 1890, sec. 1 (33 U. S. C. 72). Art. 2. A steam vessel when under way shall carry (a) On or in the front of the foremast, or if a vessel without a foremast, then in the fore part of the vessel, at a height above the hull of not less than twenty feet, and if the breadth of the vessel exceeds twenty feet, then at a height above the hull not less than such breadth, so, however, that the light need not be carried at a greater height above the hull than forty feet, a bright white light, so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side, and of such a character as to be visible at a distance of at least five miles.

#### STEAM VESSELS—SIDE LIGHTS

Aug. 19, 1890, sec. 1 (33 U. S. C. 72). (b) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least two miles.

(c) On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side, and of such a character as to be visible at a distance of at least two miles.

(d) The said green and red side lights shall be fitted with inboard screens projecting at least three feet forward from the light, so as to

prevent these lights from being seen across the bow.

#### STEAM VESSELS-RANGE LIGHTS

Aug. 19, 1890, sec. 1 (33 U. S. C. 72). (e) A steam vessel when under way may carry an additional white light similar in construction to the light mentioned in subdivision (a). These two lights shall be so placed in line with the keel that one shall be at least fifteen feet higher than the other, and in such a position with reference to each other that the lower light shall be forward of the upper one. The vertical distance between these lights shall be less than the horizontal distance.

#### STEAM VESSELS-WHEN TOWING

Aug. 19, 1890, sec. 1 (33 U. S. C. 73). Art. 3. A steam vessel when towing another vessel shall, in addition to her side lights, carry two bright white lights in a vertical line one over the other, not less than six feet apart, and when towing more than one vessel shall carry an additional bright white light six feet above or below such light, if the length of the tow measuring from the stern of the towing vessel to the stern of the last vessel towed exceeds six hundred feet. Each of these lights shall be of the same construction and character, and shall be carried in the same position as the white light mentioned in article two (a), excepting the additional light, which may be carried at a height of not less than fourteen feet above the hull.

Such steam vessel may carry a small white light abaft the funnel or aftermast for the vessel towed to steer by, but such light shall not

be visible forward of the beam.

#### SPECIAL LIGHTS

Aug. 19, 1890, sec. 1 (33 U. S. C. 74). Arr. 4. (a) A vessel which from any accident is not under command shall carry at the same height as a white light mentioned in article two (a), where they can best be seen, and if a steam vessel in lieu of that light, two red lights, in a vertical line one over the other, not less than six feet apart, and of such a character as to be visible all around the horizon at a distance of at least two miles; and shall by day carry in a vertical line one over the other, not less than six feet apart, where they can best be seen, two black balls or shapes, each two feet in diameter.

(b) A vessel employed in laying or in picking up a telegraph cable shall carry in the same position as the white light mentioned in article two (a), and if a steam vessel in lieu of that light, three lights in a vertical line one over the other not less than six feet apart. The highest and lowest of these lights shall be red, and the middle light shall be white, and they shall be of such a character as to be

visible all around the horizon, at a distance of at least two miles. By day she shall carry in a vertical line, one over the other, not less than six feet apart, where they can best be seen, three shapes not less than two feet in diameter, of which the highest and lowest shall be globular in shape and red in color, and the middle one diamond in shape and white.

(c) The vessels referred to in this article, when not making way through the water, shall not carry the side lights, but when making

way shall carry them.

(d) The lights and shapes required to be shown by this article are to be taken by other vessels as signals that the vessel showing them is not under command and cannot therefore get out of the way.

These signals are not signals of vessels in distress and requiring

assistance. Such signals are contained in article thirty-one.

### LIGHTS FOR SAILING VESSELS AND VESSELS IN TOW

Aug. 19, 1890, sec. 1 (33 U.S. C. 75). Art. 5. A sailing vessel under way and any vessel being towed shall carry the same lights as are prescribed by article two for a steam vessel under way, with the exception of the white lights mentioned therein, which they shall never carry.

#### LIGHTS FOR SMALL VESSELS

Aug. 19, 1890, sec. 1 (33 U. S. C. 76). Art. 6. Whenever, as in the case of small vessels under way during bad weather, the green and red side lights cannot be fixed, these lights shall be kept at hand, lighted and ready for use; and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light on the starboard side, nor, if practicable, more than two points abaft the beam on their respective sides. To make the use of these portable lights more certain and easy the lanterns containing them shall each be painted outside with the color of the light they respectively contain and shall be provided with proper screens.

## LIGHTS FOR SMALL STEAM AND SAIL VESSELS AND OPEN BOATS

Aug. 19, 1890, sec. 1 (33 U. S. C. 77). Art. 7. Steam vessels of less than forty, and vessels under oars or sails or less than twenty tons gross tonnage, respectively, and rowing boats, when under way, shall not be required to carry the lights mentioned in article two (a), (b), and (c), but if they do not carry them they shall be provided with the following lights:

First. Steam vessels of less than forty tons shall carry—

(a) In the fore part of the vessel, or on or in front of the funnel, where it can best be seen, and at a height above the gunwale of not less than nine feet, a bright white light constructed and fixed as prescribed in article two (a), and of such a character as to be visible at a distance of at least two miles.

(b) Green and red side lights constructed and fixed as prescribed in article two (b) and (c), and of such a character as to be visible

at a distance of at least one mile, or a combined lantern showing a green light and a red light from right ahead to two points abaft the beam on their respective sides. Such lanterns shall be carried not less than three feet below the white light.

Second. Small steamboats, such as are carried by seagoing vessels, may carry the white light at less height than nine feet above the gunwale, but it shall be carried above the combined lantern men-

tioned in subdivision one (b).

Third. Vessels under oars or sails of less than twenty tons shall have ready at hand a lantern with a green glass on one side and a red glass on the other, which, on the approach of or to other vessels, shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side nor the red light on the starboard side.

Fourth. Rowing boats, whether under oars or sail, shall have ready at hand a lantern showing a white light which shall be tem-

porarily exhibited in sufficient time to prevent collision.

The vessels referred to in this article shall not be obliged to carry the lights prescribed by article 4 (a) and article 11, last paragraph. (May 28, 1894.)

#### LIGHTS FOR PILOT VESSELS

Aug. 19, 1890, sec. 1 (33 U. S. C. 78). Arr. 8. Pilot vessels, when engaged on their station on pilotage duty, shall not show the lights required for other vessels, but shall carry a white light at the masthead, visible all around the horizon, and shall also exhibit a flare-up light or flare-up lights at short intervals, which shall never exceed fifteen minutes.

On the near approach of or to other vessels they shall have their side lights lighted, ready for use, and shall flash or show them at short intervals, to indicate the direction in which they are heading, but the green light shall not be shown on the port side nor the red

light on the starboard side.

A pilot vessel of such a class as to be obliged to go alongside of a vessel to put a pilot on board may show the white light instead of carrying it at the masthead, and may, instead of the colored lights above mentioned, have at hand, ready for use, a lantern with a green glass on the one side and a red glass on the other, to be used as prescribed above.

Pilot vessels when not engaged on their station on pilotage duty shall carry lights similar to those of other vessels of their tonnage.

A steam pilot vessel, when engaged on her station on pilotage duty and in waters of the United States, and not at anchor, shall, in addition to the lights required for all pilot boats, carry at a distance of eight feet below her white masthead light a red light, visible all around the horizon and of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least two miles, and also the colored side lights required to be carried by vessels when under way.

When engaged on her station on pilotage duty and in waters of the United States, and at anchor, she shall carry in addition to the lights required for all pilot boats the red light above mentioned,

but not the colored side lights.

When not engaged on her station on pilotage duty, she shall carry the same lights as other steam vessels. (Feb. 19, 1900, sec. 1.)

## LIGHTS, ETC., OF FISHING VESSELS

Aug. 19, 1890, sec. 1 (33 U. S. C. 79). Art. 9. Fishing vessels and fishing boats, when under way and when not required by this article to carry or show the lights hereinafter specified, shall carry or show the

lights prescribed for vessels of their tonnage under way.

(a) Open boats, by which is to be understood boats not protected from the entry of sea water by means of a continuous deck, when engaged in any fishing at night, with outlying tackle extending not more than one hundred and fifty feet horizontally from the boat

into the seaway, shall carry one all-round white light.

Open boats, when fishing at night, with outlying tackle extending more than one hundred and fifty feet horizontally from the boat into the seaway, shall carry one all-round white light, and in addition, on approaching or being approached by other vessels, shall show a second white light at least three feet below the first light and at a horizontal distance of at least five feet away from it in

the direction in which the outlying tackle is attached.

(b) Vessels and boats, except open boats as defined in subdivision (a), when fishing with drift nets, shall, so long as the nets are wholly or partly in the water, carry two white lights where they can best be Such lights shall be placed so that the vertical distance between them shall be not less than six feet and not more than fifteen feet, and so that the horizontal distance between them measured in a line with the keel, shall be not less than five feet and not more than ten feet. The lower of these two lights shall be in the direction of the nets, and both of them shall be of such a character as to show all around the horizon, and to be visible at a distance of not less than three miles.

Within the Mediterranean Sea and in the seas bordering the coasts of Japan and Korea sailing fishing vessels of less than twenty tons gross tonnage shall not be obliged to carry the lower of these two Should they, however, not carry it, they shall show in the same position (in the direction of the net or gear) a white light, visible at a distance of not less than one sea mile, on the approach

of or to other vessels.

(c) Vessels and boats, except open boats as defined in subdivision (a), when line fishing with their lines out and attached to or hauling their lines, and when not at anchor or stationary within the meaning of subdivision (h), shall carry the same lights as vessels fishing with drift nets. When shooting lines, or fishing with towing lines, they shall carry the lights prescribed for a steam or sailing

vessel under way, respectively.

Within the Mediterranean Sea and in the seas bordering the coasts of Japan and Korea sailing fishing vessels of less than twenty tons gross tonnage shall not be obliged to carry the lower of these two Should they, however, not carry it, they shall show in the same position (in the direction of the lines) a white light, visible at a distance of not less than one sea mile on the approach of or to other vessels.

(d) Vessels when engaged in trawling, by which is meant the

dragging of an apparatus along the bottom of the sea—

First. If steam vessels, shall carry in the same position as the white light mentioned in article two (a) a tricolored lantern so constructed and fixed as to show a white light from right ahead to two points on each bow, and a green light and a red light over an arc of the horizon from two points on each bow to two points abaft the beam on the starboard and port sides, respectively; and not less than six nor more than twelve feet below the tricolored lantern a white light in a lantern, so constructed as to show a clear, uniform, and unbroken light all around the horizon.

Second. If sailing vessels, shall carry a white light in a lantern, so constructed as to show a clear, uniform, and unbroken light all around the horizon, and shall also, on the approach of or to other vessels, show where it can best be seen a white flare-up light or torch

in sufficient time to prevent collision.

All lights mentioned in subdivision (d) first and second shall be

visible at a distance of at least two miles.

(e) Oyster dredgers and other vessels fishing with dredge nets shall carry and show the same lights as trawlers.

(f) Fishing vessels and fishing boats may at any time use a flare-up light in addition to the lights which they are by this article required to carry and show, and they may also use working lights.

(g) Every fishing vessel and every fishing boat under one hundred and fifty feet in length, when at anchor shall exhibit a white light visible all around the horizon at a distance of at least one mile.

Every fishing vessel of one hundred and fifty feet in length or upward, when at anchor shall exhibit a white light visible all around the horizon at a distance of at least one mile, and shall exhibit a second light as provided for vessels of such length by article eleven.

Should any such vessel, whether under one hundred and fifty feet in length or of one hundred and fifty feet in length or upward, be attached to a net or other fishing gear, she shall, on the approach of other vessels, show an additional white light at least three feet below the anchor light and at a horizontal distance, of at least five feet away from it in the direction of the net or gear.

(h) If a vessel or boat when fishing becomes stationary in consequence of her gear getting fast to a rock or other obstruction, she shall in daytime haul down the day signal required by subdivision (k); at night show the light or lights prescribed for a vessel at anchor; and during fog, mist, falling snow, or heavy rainstorms make the signal prescribed for a vessel at anchor. (See subdivision (d)

and the last paragraph of article fifteen.)

(i) In fog, mist, falling snow, or heavy rainstorms drift-net vessels attached to their nets, and vessels when trawling, dredging, or fishing with any kind of drag net, and vessels line fishing with their lines out, shall, if of twenty tons gross tonnage or upward, respectively, at intervals of not more than one minute make a blast; if steam vessels, with the whistle or siren, and if sailing vessels, with the foghorn, each blast to be followed by ringing the bell. Fishing vessels and boats of less than twenty tons gross tonnage shall not be obliged to give the above-mentioned signals; but if they do not, they

shall make some other efficient sound signals at intervals of not more than one minute.

(k) All vessels or boats fishing with nets or lines or trawls, when under way, shall in daytime indicate their occupation to an approaching vessel by displaying a basket or other efficient signal where it can best be seen. If vessels or boats at anchor have their gear out, they shall, on the approach of other vessels, show the same signal on the side on which those vessels can pass.

The vessels required by this article to carry or show the lights hereinbefore specified shall not be obliged to carry the lights prescribed by article four (a) and the last paragraph of article eleven.

(Jan. 19, 1907, sec. 1)

### LIGHTS FOR AN OVERTAKEN VESSEL

Aug. 19, 1890, sec. 1 (33 U. S. C. 80). Art. 10. A vessel which is being overtaken by another shall show from her stern to such last-

mentioned vessel a white light or a flare-up light.

The white light required to be shown by this article may be fixed and carried in a lantern, but in such case the lantern shall be so constructed, fitted, and screened that it shall throw an unbroken light over an arc of the horizon of twelve points of the compass, namely, for six points from right aft on each side of the vessel, so as to be visible at a distance of at least one mile. Such light shall be carried as nearly as practicable on the same level as the side lights.

#### ANCHOR LIGHTS

Aug. 19, 1890, sec. 1 (33 U. S. C. 81). Arr. 11. A vessel under one hundred and fifty feet in length, when at anchor, shall carry forward, where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light in a lantern so constructed as to show a clear, uniform, and unbroken light visible all around the horizon at a distance of at least one mile.

A vessel of one hundred and fifty feet or upwards in length, when at anchor, shall carry in the forward part of the vessel, at a height of not less than twenty and not exceeding forty feet above the hull, one such light, and at or near the stern of the vessel, and at such a height that it shall be not less than fifteen feet lower than the forward

light, another such light.

The length of a vessel shall be deemed to be the length appearing

in her certificate of registry.

A vessel aground in or near a fairway shall carry the above light or lights and the two red lights prescribed by article four (a).

#### SPECIAL SIGNAL

Aug. 19, 1890, sec. 1 (33 U.S. C. 82). Arr. 12. Every vessel may, if necessary in order to attract attention, in addition to the lights which she is by these rules required to carry, show a flare-up light or use any detonating signal that can not be mistaken for a distress signal.

#### NAVAL LIGHTS AND RECOGNITION SIGNALS

Aug. 19, 1890, sec. 1 (33 U. S. C. 83). Art. 13. Nothing in these rules shall interfere with the operation of any special rules made by the government of any nation with respect to additional station and signal lights for two or more ships of war or for vessels sailing under convoy, or with the exhibition of recognition signals adopted by shipowners, which have been authorized by their respective governments and duly registered and published.

### STEAM VESSELS UNDER SAIL BY DAY

Aug. 19, 1890, sec. 1 (33 U. S. C. 84). Art. 14. A steam vessel proceeding under sail only but having her funnel up shall carry in daytime forward, where it can best be seen, one black ball or shape two feet in diameter.

# Sound Signals in Fog, Etc.

#### PRELIMINARY

Aug. 19, 1890, sec. 1 (33 U. S. C. 91). Art. 15. All signals prescribed by this article for vessels under way shall be given-

First. By "steam vessels" on the whistle or siren. Second. By "sailing vessels" and "vessels towed" on the foghorn. The words "prolonged blast" used in this article shall mean a blast

of from four to six seconds' duration.

A steam vessel shall be provided with an efficient whistle or siren, sounded by steam or by some substitute for steam, so placed that the sound may not be intercepted by any obstruction, and with an efficient foghorn, to be sounded by mechanical means, and also with an efficient bell. (In all cases where the rules require a bell to be used a drum may be substituted on board Turkish vessels, or a gong where such articles are used on board small seagoing vessels.) A sailing vessel of twenty tons gross tonnage or upward shall be provided with a similar foghorn and bell.

In fog, mist, falling snow, or heavy rainstorms, whether by day or night, the signals described in this article shall be used as follows,

namely:

## STEAM VESSEL UNDER WAY

(a) A steam vessel having way upon her shall sound, at intervals

of not more than two minutes, a prolonged blast.

(b) A steam vessel under way, but stopped, and having no way upon her, shall sound, at intervals of not more than two minutes, two prolonged blasts, with an interval of about one second between.

### SAIL VESSEL UNDER WAY

(c) A sailing vessel under way shall sound, at intervals of not more than one minute, when on the starboard tack, one blast; when on the port tack, two blasts in succession; and when with the wind abaft the beam, three blasts in succession.

## VESSELS AT ANCHOR OR NOT UNDER WAY

(d) A vessel when at anchor shall, at intervals of not more than one minute, ring the bell rapidly for about five seconds.

### VESSELS TOWING OR TOWED

(e) A vessel when towing, a vessel employed in laying or in picking up a telegraphic cable, and a vessel under way, which is unable to get out of the way of an approaching vessel through being not under command, or unable to maneuver as required by the rules, shall, instead of the signals prescribed in subdivisions (a) and (c) of this article, at intervals of not more than two minutes, sound three blasts in succession, namely: One prolonged blast followed by two short blasts. A vessel towed may give this signal and she shall not give any other.

# SMALL SAILING VESSELS AND BOATS

Sailing vessels and boats of less than twenty tons gross tonnage shall not be obliged to give the above-mentioned signals, but, if they do not, they shall make some other efficient sound signal at intervals of not more than one minute. (June 10, 1896, sec. 1.)

### SPEED IN FOG

Aug. 19, 1890, sec. 1 (33 U. S. C. 92). Art. 16. Every vessel shall, in a fog, mist, falling snow, or heavy rainstorms, go at a moderate speed, having careful regard to the existing circumstances and conditions.

A steam vessel hearing, apparently forward of her beam, the fog signal of a vessel the position of which is not ascertained shall, so far as the circumstances of the case admit, stop her engines, and then navigate with caution until danger of collision is over.

## STEERING AND SAILING RULES

#### PRELIMINARY

Aug. 19, 1890, sec. 1 (33 U. S. C. 101). Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing of an approaching vessel. If the bearing does not appreciably change such risk should be deemed to exist.

#### SAILING VESSELS

Aug. 19, 1890, sec. 1 (33 U. S. C. 102). Arr. 17. When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other, as follows, namely:

(a) A vessel which is running free shall keep out of the way of a

vessel which is close hauled.

(b) A vessel which is close-hauled on the port tact shall keep out of the way of a vessel which is close-hauled on the starboard tack.

(c) When both are running free, with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.

(d) When both are running free, with the wind on the same side, the vessel which is to the windward shall keep out of the way of the vessel which is to the leeward.

(e) A vessel which has the wind aft shall keep out of the way of

the other vessel.

#### STEAM VESSELS

Aug. 19, 1890, sec. 1 (33 U. S. C. 103). Art. 18. When two steam vessels are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other. This article only applies to cases where vessels are meeting end on, or nearly end on, in such a manner as to involve risk of collision, and does not apply to two vessels which must, if both keep on their respective courses, pass clear of each other.

The only cases to which it does apply are when each of the two vessels is end on, or nearly end on, to the other; in other words, to cases in which, by day, each vessel sees the masts of the other in a line, or nearly in a line, with her own; and by night, to cases in which each vessel is in such a position as to see both the side lights of the other.

It does not apply by day to cases in which a vessel sees another ahead crossing her own course; or by night, to cases where the red light of one vessel is opposed to the red light of the other, or where the green light of one vessel is opposed to the green light of the other, or where a red light without a green light, or a green light without a red light, is seen ahead, or where both green and red lights are seen anywhere but ahead.

Aug. 19, 1890, sec. 1 (33 U. S. C. 104). Art. 19. When two steam vessels are crossing, so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of

the other.

#### STEAM VESSEL SHALL KEEP OUT OF THE WAY OF SAILING VESSEL

Aug. 19 1890, sec. 1 (33 U. S. C. 105). Arr. 20. When a steam vessel and a sailing vessel are proceeding in such directions as to involve risk of collision, the steam vessel shall keep out of the way of the sailing vessel.

#### COURSE AND SPEED

Aug. 19, 1890, sec. 1 (33 U. S. C. 106). Arr. 21. Where, by any of these rules, one of two vessels is to keep out of the way, the other shall keep her course and speed.

Note.—When, in consequence of thick weather or other causes, such vessel finds herself so close that collision cannot be avoided by the action of the giving-way vessel alone, she also shall take such action as will best aid to avert collision. [See articles 27 and 29.] (May 28, 1894.)

## CROSSING AHEAD

Aug. 19, 1890, sec. 1 (33 U. S. C. 107). Arr. 22. Every vessel which is directed by these rules to keep out of the way of another vessel shall, if the circumstances of the case admit, avoid crossing ahead of the other.

### STEAM VESSELS SHALL SLACKEN SPEED OR STOP

Aug. 19, 1890, sec. 1 (33 U. S. C. 108). Art. 23. Every steam vessel which is directed by these rules to keep out of the way of another vessel shall, on approaching her, if necessary, slacken her speed or stop or reverse.

## OVERTAKING VESSELS

Aug. 19, 1890, sec. 1 (33 U. S. C. 109). Art. 24. Notwithstanding anything contained in these rules every vessel overtaking any other

shall keep out of the way of the overtaken vessel.

Every vessel coming up with another vessel from any direction more than two points abaft her beam—that is, in such position with reference to the vessel which she is overtaking that at night she would be unable to see either of that vessel's side lights shall be deemed to be an overtaking vessel; and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel within the meaning of these rules or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

As by day the overtaking vessel cannot always know with certainty whether she is forward of or abaft this direction from the other vessel she should, if in doubt, assume that she is an overtak-

ing vessel and keep out of the way.

#### NARROW CHANNELS

Aug. 19, 1890, sec. 1 (33 U. S. C. 110). Art. 25. In narrow channels every steam vessel shall, when it is safe and practicable, keep to that side of the fairway or mid-channel which lies on the starboard side of such vessel.

## RIGHT OF WAY OF FISHING VESSELS

Aug. 19, 1890, sec. 1 (33 U. S. C. 111). Arr. 26. Sailing vessels under way shall keep out of the way of sailing vessels or boats fishing with nets or lines or trawls. This rule shall not give to any vessel or boat engaged in fishing the right of obstructing a fairway used by vessels other than fishing vessels or boats.

### GENERAL PRUDENTIAL RULE

Atg. 19, 1890, sec. 1 (33 U. S. C. 112). Art. 27. In obeying and construing these rules due regard shall be had to all dangers of navigation and collision and to any special circumstances which may render a departure from the above rules necessary in order to avoid immediate danger.

### SOUND SIGNALS FOR PASSING STEAMERS

Aug. 19, 1890, sec. 1 (33 U.S. C. 113). Arr. 28. The words "short blast" used in this article shall mean a blast of about one second's duration.

When vessels are in sight of one another, a steam vessel under way, in taking any course authorized or required by these rules, shall indicate that course by the following signals on her whistle or siren, namelv:

One short blast to mean, "I am directing my course to starboard." Two short blasts to mean, "I am directing my course to port." Three short blasts to mean, "My engines are going at full speed

astern."

### PRECAUTION

Aug. 19, 1890, sec. 1 (33 U.S. C. 121). Art. 29. Nothing in these rules shall exonerate any vessel or the owner or master or crew thereof from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

## LOCAL RULES FOR HARBORS AND INLAND WATERS

Aug. 19, 1890, sec. 1 (33 U.S. C. 131). Art. 30. Nothing in these rules shall interfere with the operation of a special rule, duly made by local authority, relative to the navigation of any harbor, river or inland waters.

#### DISTRESS SIGNALS

Aug. 19, 1890, sec. 1 (33 U.S. C. 141). Art. 31. When a vessel is in distress and requires assistance from other vessels or from the shore the following shall be the signals to be used or displayed by her, either together or separately, namely:

In the daytime—

First. A gun or other explosive signal fired at intervals of about a minute.

Second. The international code signal of distress indicated by

NC.

Third. The distance signal, consisting of a square flag, having either above or below it a ball or anything resembling a ball.

Fourth. A continuous sounding with any fog-signal apparatus.

At night—

First. A gun or other explosive signal fired at intervals of about a minute.

Second. Flames on the vessel (as from a burning tar barrel, oil barrel, and so forth).

Third. Rockets or shells throwing stars of any color or descrip-

tion, fired one a time, at short intervals.

Fourth. A continuous sounding with any fog-signal apparatus. (May 28 1894.)

## ORDERS TO HELMSMEN

Aug. 19, 1890, sec. 1 (33 U. S. C. 142). Art. 32. All orders to helmsmen shall be given as follows:
"Right Rudder" to mean "Direct the vessel's head to starboard."

"Left Rudder" to mean "Direct the vessel's head to port." (Aug. 21, 1935.)

Inland Pilot Rules.

Adoption of Rules for Navigation of Harbors, Rivers, and Inland Waters

June 7, 1897, sec. 1 (33 U.S. C. 154). The following regulations for preventing collision shall be followed by all vessels navigating all harbors, rivers, and inland waters of the United States, except the Great Lakes and their connecting and tributary waters as far east as Montreal and the Red River of the North and rivers emptying into the Gulf of Mexico and their tributaries, and are hereby declared special rules duly made by local authority.

PENALTY FOR VIOLATIONS BY PILOT, ENGINEER, MATE, OR MASTER

June 7, 1897, sec 3 (33 U.S. C. 158). Every pilot, engineer, mate, or master of any steam vessel, and every master or mate of any barge or canal boat, who neglects or refuses to observe the provisions of this Act, or the regulations established in pursuance of the preceding section [see section 2, page 248] shall be liable to a penalty of \$50, and for all damages sustained by any passenger in his person or baggage by such neglect or refusal: Provided, That nothing herein shall relieve any vessel, owner, or corporation from any liability incurred by reason of such neglect or refusal.

# PENALTY FOR VIOLATIONS BY VESSEL

June 7, 1897, sec. 4 (33 U.S. C. 159). Every vessel that shall be navigated without complying with the provisions of this Act shall be liable to a penalty of \$200, one-half to go to the informer, for which sum the vessel so navigated shall be liable and may be seized and proceeded against by action in any district court of the United States having jurisdiction of the offense.

### DEFINITIONS

JUNE 7, 1897, sec. 1 (33 U. S. C. 155). In the following rules every steam vessel which is under sail and not under steam is to be considered a sailing vessel, and every vessel under steam, whether under sail or not, is to be considered a steam vessel.

The words "steam vessel" shall include any vessel propelled by

machinery.

A vessel is "under way", within the meaning of these rules, when she is not at anchor, or made fast to the shore, or aground.

# LIGHTS, ETC.

June 7, 1897, sec. 1 (33 U.S. C. 156). The word "visible" in these rules, when applied to lights, shall mean visible on a dark night with a clear atmosphere.

#### TIME FOR LIGHTS

June 7, 1897, sec. 1 (33 U.S. C. 171). Art. 1. The rules concerning lights shall be complied with in all weathers from sunset to

sunrise, and during such time no other lights which may be mistaken for the prescribed lights shall be exhibited.

#### STEAM VESSELS-MASTHEAD LIGHT

June 7, 1897, sec. 1 (33 U. S. C. 172). Art. 2. A steam vessel when under way shall carry—(a) On or in front of the foremast, or, if a vessel without a foremast, then in the forepart of the vessel, a bright white light so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side, and of such a character as to be visible at a distance of at least five miles.

#### STEAM VESSELS-SIDE LIGHTS

June 7, 1897, sec. 1 (33 U. S. C. 172). (b) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least two miles.

(c) On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side, and of such a character as to be visible at a distance of at least two miles.

(d) The said green and red side lights shall be fitted with inboard screens projecting at least three feet forward from the light, so as to prevent these lights from being seen across the bow.

### STEAM VESSELS-RANGE LIGHTS

(e) A seagoing steam vessel when under way may carry an additional white light similar in construction to the light mentioned in subdivision (a). These two lights shall be so placed in line with the keel that one shall be at least fifteen feet higher than the other, and in such a position with reference to each other that the lower light shall be forward of the upper one. The vertical distance between these lights shall be less than the horizontal distance.

(f) All steam vessels (except seagoing vessels and ferryboats) shall carry, in addition to green and red lights required by article two (b), (c), and screens as required by article two (d), a central range of two white lights, the after light being carried at an elevation at least fifteen feet above the light at the head of the vessel. The headlight shall be so constructed as to show an unbroken light through twenty points of the compass, namely, from right ahead to two points abaft the beam on either side of the vessel, and the after light so as to show all around the horizon.

## STEAM VESSELS-WHEN TOWING

June 7, 1897, sec. 1 (33 U. S. C. 173). Art. 3. A steam vessel when towing another vessel or vessels alongside shall, in addition to

her side lights, carry two bright white lights in a vertical line, one over the other, not less than three feet apart, and when towing one or more vessels astern, regardless of the length of the tow, shall carry an additional bright white light three feet above or below such lights: Provided, That on the Red River of the North and the rivers emptying into the Gulf of Mexico and their tributaries, this article shall not affect the signal lights used on towing vessels which propel the tow by pushing at the rear of the tow.

Such steam vessel may carry a small white light abaft the funnel or aftermast for the vessel towed to steer by, but such light shall not

be visible forward of the beam. (May 20, 1936.)

#### LIGHTS FOR SAILING VESSELS AND VESSELS IN TOW

June 7, 1897, sec. 1 (33 U.S. C. 174). Art. 5. A sailing vessel under way and any vessel being towed, except barges, canal boats, scows, and other vessels of nondescript type, when in tow of steam vessels, shall carry the same lights as are prescribed by article 2 for a steam vessel under way, with the exception of the white lights mentioned therein, which they shall never carry. (Mar. 1, 1933.)

LIGHTS FOR FERRYBOATS, BARGES, AND CANAL BOATS IN TOW, AND FOR DREDGES AND VESSELS WORKING ON WRECKS, ETC.

June 7, 1897, sec. 2 (33 U.S. C. 157). The supervising inspectors of steam vessels and the Director of the Bureau of Marine Inspection and Navigation shall establish such rules to be observed by steam vessels in passing each other and as to the lights to be carried by ferryboats and by barges and canal boats when in tow of steam vessels, and as to the lights and day signals to be carried by vessels, dredges of all types, and vessels working on wrecks by [or] other obstruction to navigation or moored for submarine operations, or made fast to a sunken object which may drift with the tide or be towed, not inconsistent with the provisions of this Act, as they from time to time may deem necessary for safety, which rules when approved by the Secretary of Commerce are declared special rules duly made by local authority, as provided for in article 30 of chapter 802 of the laws of 1890. Two printed copies of such rules shall be furnished to such ferryboats, barges, dredges, canal boats, vessels working on wrecks, and steam vessels, which rules shall be kept posted up in conspicuous places in such vessels, barges, dredges, and boats. (May 25, 1914; June 30, 1932, sec. 501; May 27, 1936, sec. 1.)

### LIGHTS FOR SMALL VESSELS

June 7, 1897, sec. 1 (33 U. S. C. 175). Are 6. Whenever, as in the case of vessels of less than ten gross tons under way during bad weather, the green and red side lights cannot be fixed, these lights shall be kept at hand, lighted and ready for use; and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light on the starboard side, nor, if practicable, more than two points abaft the beam on their respective sides. To make the use

of these portable lights more certain and easy the lanterns containing them shall each be painted outside with the color of the light they respectively contain, and shall be provided with proper screens.

June 7, 1897, sec. 1 (33 U. S. C. 176). Art. 7. Rowing boats, whether under oars or sail, shall have ready at hand a lantern showing a white light which shall be temporarily exhibited in sufficient time to prevent collision.

### LIGHTS FOR PILOT VESSELS

June 7, 1897, sec. 1 (33 U.S. C. 177). Arr. 8. Pilot vessels when engaged on their station on pilotage duty shall not show the lights required for other vessels, but shall carry a white light at the masthead, visible all around the horizon, and shall also exhibit a flare-up light or flare-up lights at short intervals, which shall never exceed fifteen minutes.

On the near approach of or to other vessels they shall have their side lights lighted, ready for use, and shall flash or show them at short intervals, to indicate the direction in which they are heading, but the green light shall not be shown on the port side nor the red

light on the starboard side.

A pilot vessel of such a class as to be obliged to go alongside of a vessel to put a pilot on board may show the white light instead of carrying it at the masthead, and may, instead of the colored lights above mentioned, have at hand, ready for use, a lantern with a green glass on the one side and a red glass on the other, to be used as prescribed above.

Pilot vessels, when not engaged on their station on pilotage duty, shall carry lights similar to those of other vessels of their tonnage.

A steam pilot vessel, when engaged on her station on pilotage duty and in waters of the United States, and not at anchor, shall, in addition to the lights required for all pilot boats, carry at a distance of eight feet below her white masthead light a red light, visible all around the horizon and of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least two miles, and also the colored side lights required to be carried by vessels when under way.

When engaged on her station on pilotage duty and in waters of the United States, and at anchor, she shall carry in addition to the lights required for all pilot boats the red light above mentioned, but not

the colored side lights.

When not engaged on her station on pilotage duty, she shall carry the same lights as other steam vessels. (Feb. 19, 1900, sec. 1.)

### LIGHTS, ETC., OF FISHING VESSELS

June 7, 1897, sec. 1 (33 U. S. C. 178). Arr. 9. (a) Fishing vessels of less than ten gross tons, when under way and when not having their nets, trawls, dredges, or lines in the water, shall not be obliged to carry the colored side lights; but every such vessel shall, in lieu thereof, have ready at hand a lantern with a green glass on one side and a red glass on the other side, and on approaching to or being approached by another vessel such lantern shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side nor the red light on the starboard side.

(b) All fishing vessels and fishing boats of ten gross tons or upward, when under way and when not having their nets, trawls, dredges, or lines in the water, shall carry and show the same lights

as other vessels under way.

(c) All vessels, when trawling, dredging, or fishing with any kind of dragnets or lines, shall exhibit, from some part of the vessel where they can be best seen, two lights. One of these lights shall be red and the other shall be white. The red light shall be above the white light, and shall be at a vertical distance from it of not less than six feet and not more than twelve feet; and the horizontal distance between them, if any, shall not be more than ten feet. These two lights shall be of such a character and contained in lanterns of such construction as to be visible all around the horizon, the white light at a distance of not less than three miles and the red light of not less than two miles.

## LIGHTS FROM RAFTS, OR OTHER CRAFT, NOT PROVIDED FOR

(d) Rafts, or other water craft not herein provided for, navigating by hand power, horsepower, or by the current of the river, shall carry one or more good white lights, which shall be placed in such manner as shall be prescribed by the Board of Supervising Inspectors of Steam Vessels.

### LIGHTS FOR AN OVERTAKEN VESSEL

June 7, 1897, sec. 1 (33 U.S. C. 179). Art. 10. A vessel which is being overtaken by another, except a steam vessel with an after range light showing all around the horizon, shall show from her stern to such last-mentioned vessel a white light or flare-up light.

#### ANCHOR LIGHTS

JUNE 7, 1897, sec. 1 (33 U. S. C. 180). ART. 11. A vessel under one hundred and fifty feet in length when at anchor shall carry forward, where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light, in a lantern so constructed as to show a clear, uniform, and unbroken light visible all around the horizon at a distance of at least one mile.

A vessel if one hundred and fifty feet or upward in length when at anchor shall carry in the forward part of the vessel, at a height of not less than twenty and not exceeding forty feet above the hull, one such light, and at or near the stern of the vessel, and at such a height that it shall be not less than fifteen feet lower than the forward

light, another such light.

The length of a vessel shall be deemed to be the length appearing in her certificate of registry.

#### SPECIAL SIGNALS

June 7, 1897, sec. 1 (33 U. S. C. 181). Arr. 12. Every vessel may, if necessary, in order to attract attention, in addition to the lights which she is by these rules required to carry, show a flare-up light or use any detonating signal that can not be mistaken for a distress signal.

## NAVAL LIGHTS AND RECOGNITION SIGNALS

June 7, 1897, sec. 1 (33 U. S. C. 182). Arr. 13. Nothing in these rules shall interfere with the operation of any special rules made by the government of any nation with respect to additional station and signal lights for two or more ships of war or for vessels sailing under convoy, or with the exhibition of recognition signals adopted by shipowners, which have been authorized by their respective governments and duly registered and published.

### STEAM VESSEL UNDER SAIL BY DAY

June 7, 1897, sec. 1 (33 U. S. C. 183). Arr. 14. A steam vessel proceeding under sail only, but having her funnel up, may carry in daytime, forward, where it can best be seen, one black ball or shape two feet in diameter.

# Sound Signals in Fog, Etc.

#### PRELIMINARY

June 7, 1897, sec. 1 (33 U. S. C. 191). Arr. 15. All signals prescribed by this article for vessels under way shall be given:

1. By "steam vessels" on the whistle or siren.

2. By "sailing vessels" and "vessels towed" on the foghorn.

The words "prolonged blast" used in this article shall mean a

blast of from four to six seconds' duration.

A steam vessel shall be provided with an efficient whistle or siren, sounded by steam or by some substitute for steam, so placed that the sound may not be intercepted by any obstruction, and with an efficient foghorn; also with an efficient bell. A sailing vessel of twenty tons gross tonnage or upward shall be provided with a similar foghorn and bell.

In fog, mist, falling snow, or heavy rainstorms, whether by day or night, the signals described in this article shall be used as follows,

namely:

#### STEAM VESSEL UNDER WAY

(a)  $\Lambda$  steam vessel under way shall sound, at intervals of not more than one minute, a prolonged blast.

#### SAIL VESSEL UNDER WAY

(c) A sailing vessel under way shall sound, at intervals of not more than one minute, when on the starboard tack, one blast; when on the port tack, two blasts in succession; and when with the wind abaft the beam, three blasts in succession.

#### VESSELS AT ANCHOR OR NOT UNDER WAY

(d) A vessel when at anchor shall, at intervals of not more than one minute, ring the bell rapidly for about five seconds.

#### VESSELS TOWING OR TOWED

(e) A steam vessel when towing, shall, instead of the signals prescribed in subdivision (a) of this article, at intervals of not more

than one minute, sound three blasts in succession, namely, one prolonged blast followed by two short blasts. A vessel towed may give this signal and she shall not give any other.

## RAFTS, OR OTHER CRAFT NOT PROVIDED FOR

(f) All rafts or other water craft, not herein provided for, navigating by hand power, horsepower, or by the current of the river, shall sound a blast of the foghorn, or equivalent signal, at intervals of not more than one minute.

## SPEED IN FOG

June 7, 1897, sec. 1 (33 U. S. C. 192). Art. 16. Every vessel shall, in a fog, mist, falling snow, or heavy rainstorms, go at a moderate speed, having careful regard to the existing circumstances and conditions.

A steam vessel hearing, apparently forward of her beam, the fog signal of a vessel the position of which is not ascertained shall, so far as the circumstances of the case admit, stop her engines, and then navigate with caution until danger of collision is over.

## STEERING AND SAILING RULES

### PRELIMINARY

June 7, 1897, sec. 1 (33 U.S. C. 201). Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist.

### SAILING VESSELS

June 7, 1897, sec. 1 (33 U. S. C. 202). Arr. 17. When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other as follows, namely:

(a) A vessel which is running free shall keep out of the way of a

vessel which is close-hauled.

(b) A vessel which is close-hauled on the port tack shall keep out of the way of a vessel which is close-hauled on the starboard tack.

(c) When both are running free, with the wind on different sides, the vessel which has the wind on the port side shall keep out of the

way of the other.

(d) When both are running free, with the wind on the same side the vessel which is to the windward shall keep out of the way of the vessel which is to the leeward.

(e) A vessel which has the wind aft shall keep out of the way of

the other vessel.

## STEAM VESSEL

June 7, 1897, sec. 1 (33 U. S. C. 203). Art. 18. Rule I. When steam vessels are approaching each other head and head—that is, end on, or nearly so—it shall be the duty of each to pass on the port

side of the other; and either vessel shall give, as a signal of her intention, one short and distinct blast of her whistle, which the other vessel shall answer promptly by a similar blast of her whistle, and thereupon such vessels shall pass on the port side of each other. But if the courses of such vessels are so far on the starboard of each other as not to be considered as meeting head and head, either vessel shall immediately give two short and distinct blasts of her whistle, which the other vessel shall answer promptly by two similar blasts of her whistle, and they shall pass on the starboard side of each other.

The foregoing only applies to cases where vessels are meeting end on or nearly end on, in such a manner as to involve risk of collision; in other words, to cases in which, by day, each vessel sees the masts of the other in a line, or nearly in a line, with her own, and by night to cases in which each vessel is in such a position as

to see both the side lights of the other.

It does not apply by day to cases in which a vessel sees another ahead crossing her own course, or by night to cases where the red light of one vessel is opposed to the red light of the other, or where the green light of one vessel is opposed to the green light of the other, or where a red light without a green light or a green light without a red light, is seen ahead, or where both green and red lights are seen anywhere but ahead.

Rule III. If, when steam vessels are approaching each other, either vessel fails to understand the course or intention of the other, from any cause, the vessel so in doubt shall immediately signify the same by giving several short and rapid blasts, not less than four, of

the steam whistle.

Rule V. Whenever a steam vessel is nearing a short bend or curve in the channel, where from the height of the banks or other cause, a steam vessel approaching from the opposite direction cannot be seen for a distance of half a mile, such steam vessel, when she shall have arrived within half a mile of such a curve or bend, shall give a signal by one long blast of the steam whistle, which signal shall be answered by a similar blast, given by any approaching steam vessel that may be within hearing. Should such signal be so answered by a steam vessel upon the farther side of such bend, then the usual signals for meeting and passing shall immediately be given and answered; but, if the first alarm signal of such vessel be not answered, she is to consider the channel clear and govern herself accordingly.

When steam vessels are moved from their docks or berths, and other boats are liable to pass from any direction toward them, they shall give the same signal as in the case of vessels meeting at a bend, but immediately after clearing the berths so as to be fully in sight they

shall be governed by the steering and sailing rules.

Rule VIII. When steam vessels are running in the same direction, and the vessel which is astern shall desire to pass on the right or starboard hand of the vessel ahead, she shall give one short blast of the steam whistle, as a signal of such desire, and if the vessel ahead answers with one blast, she shall direct her course to starboard, or if she shall desire to pass on the left or port side of the vessel ahead, she shall give two short blasts of the steam whistle as a signal of such desire, and if the vessel ahead answers with two blasts,

shall direct her course to port; or if the vessel ahead does not think it safe for the vessel astern to attempt to pass at that point, she shall immediately signify the same by giving several short and rapid blasts of the steam whistle, not less than four, and under no circumstances shall the vessel astern attempt to pass the vessel ahead until such time as they have reached a point where it can be safely done, when said vessel ahead shall signify her willingness by blowing the proper signals.

The vessel ahead shall in no case attempt to cross the bow or crowd

upon the course of the passing vessel.

RULE IX. The whistle signals provided in the rules under this article for steam vessels meeting, passing, or overtaking, are never to be used except when steamers are in sight of each other, and the course and position of each can be determined in the daytime by a sight of the vessel itself, or by night by seeing its signal lights. In fog, mist, falling snow, or heavy rainstorms, when vessels cannot so see each other, fog signals only must be given. (Aug. 21, 1935.)

## TWO STEAM VESSELS CROSSING

June 7, 1897, sec. 1 (33 U.S. C. 204). Art. 19. When two steam vessels are crossing, so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.

### STEAM VESSEL SHALL KEEP OUT OF THE WAY OF SAILING VESSEL

June 7, 1897, sec. 1 (33 U.S. C. 205). Art. 20. When a steam vessel and a sailing vessel are proceeding in such directions as to involve risk of collision, the steam vessel shall keep out of the way of the sailing vessel.

## COURSE AND SPEED

June 7, 1897, sec. 1 (33 U. S. C. 206). Art. 21. Where, by any of these rules, one of the two vessels is to keep out of the way, the other shall keep her course and speed. [See arts. 27 and 29.]

#### CROSSING AHEAD

June 7, 1897, sec. 1 (33 U.S. C. 207). Arr. 22. Every vessel which is directed by these rules to keep out of the way of another vessel shall, if the circumstances of the case admit, avoid crossing ahead of the other.

## STEAM VESSELS SHALL SLACKEN SPEED OR STOP

June 7, 1897, sec. 1 (33 U.S. C. 208). Arr. 23. Every steam vessel which is directed by these rules to keep out of the way of another vessel shall, on approaching her, if necessary, slacken her speed or stop or reverse.

#### OVERTAKING VESSELS

June 7, 1897, sec. 1 (33 U.S. C. 209). Art. 24. Notwithstanding anything contained in these rules every vessel, overtaking any other, shall keep out of the way of the overtaken vessel.

Every vessel coming up with another vessel from any direction more than two points abaft her beam—that is, in such a position with reference to the vessel which she is overtaking that at night she would be unable to see either of that vessel's side lights—shall be deemed to be an overtaking vessel; and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel within the meaning of these rules, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

As by day the overtaking vessel cannot always know with certainty whether she is forward of or abaft this direction from the other vessel she should, if in doubt, assume that she is an overtaking

vessel and keep out of the way.

## NARROW CHANNELS

June 7, 1897, sec. 1 (33 U. S. C. 210). Art. 25. In narrow channels every steam vessel shall, when it is safe and practicable, keep to that side of the fairway or mid-channel which lies on the starboard side of such vessel.

## RIGHTS OF WAY OF FISHING VESSELS

June 7, 1897, sec. 1 (33 U. S. C. 211). Art. 26. Sailing vessels under way shall keep out of the way of sailing vessels or boats fishing with nets, or lines, or trawls. This rule shall not give to any vessel or boat engaged in fishing the right of obstructing a fairway used by vessels other than fishing vessels or boats.

## GENERAL PRUDENTIAL RULE

June 7, 1897, sec. 1 (33 U. S. C. 212). Art. 27. In obeying and construing these rules due regard shall be had to all dangers of navigation and collision, and to any special circumstances which may render a departure from the above rules necessary in order to avoid immediate danger.

## SOUND SIGNALS FOR PASSING STEAMERS

JUNE 7, 1897, sec. 1 (33 U. S. C. 213). ART. 28. When vessels are in sight of one another a steam vessel under way whose engines are going at full speed astern shall indicate that fact by three short blasts on the whistle. See art. 18, p. 411.

#### PRECAUTION

June 7, 1897, sec. 1 (33 U. S. C. 221). Art. 29. Nothing in these rules shall exonerate any vessel, or the owner or master or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

## LIGHTS ON UNITED STATES NAVAL VESSELS AND REVENUE CUTTERS

June 7, 1897, sec. 1 (33 U. S. C. 222). Art. 30. The exhibition of any light on board of a vessel of war of the United States or a Coast

Guard cutter may be suspended whenever, in the opinion of the Secretary of the Navy, the commander in chief of a squadron, or the commander of a vessel acting singly, the special character of the service may require it.

## DISTRESS SIGNALS

JUNE 7, 1897, sec. 1 (33 U. S. C. 231). ART. 31. When a vessel is in distress and requires assistance from other vessels or from the shore, the following shall be the signals to be used or displayed by her, either together or separately, namely:

## IN DAYTIME

A continuous sounding with any fog-signal apparatus, or firing a gun.

## AT NIGHT

First. Flames on the vessel as from a burning tar barrel, oil barrel, and so forth.

Second. A continuous sounding with any fog-signal apparatus, or firing a gun.

## ORDERS TO HELMSMEN

June 7, 1897, sec. 7 (33 U.S.C.232). Art. 32. All orders to helmsmen shall be given as follows:

"Right Rudder" to mean "Direct the vessel's head to starboard." "Left Rudder" to mean "Direct the vessel's head to port." (Aug. 21, 1935, sec. 2.)

## Special Rules by Inspectors Authorized

June 7, 1897, sec. 2 (33 U.S. C. 157). The supervising inspectors of steam vessels and the Director of the Bureau of Marine Inspection and Navigation shall establish such rules to be observed by steam vessels in passing each other and as to the lights to be carried by ferryboats and by barges and canal boats when in tow of steam vessels, and as to the lights and day signals to be carried by vessels, dredges of all types, and vessels working on wrecks by [or] other obstruction to navigation or moored for submarine operations, or made fast to a sunken object which may drift with the tide or be towed, not inconsistent with the provisions of this Act, as they from time to time may deem necessary for safety, which rules when approved by the Secretary of Commerce are declared special rules duly made by local authority, as provided for in article 30 of chapter 802 of the laws of 1890. [33 U.S. C. 131.] Two printed copies of such rules shall be furnished to such ferryboats, barges, dredges, canal boats, vessels working on wrecks, and steam vessels, which rules shall be kept posted up in conspicuous places in such vessels, barges, dredges, and boats. (May 25, 1914; June 30, 1932, sec. 501; May 27, 1936, sec. 1.)

## PENALTY FOR VIOLATIONS BY PILOT, ENGINEER, MATE, OR MASTER

June 7, 1897, sec. 3 (33 U.S. C. 158). Every pilot, engineer, mate, or master of any steam vessel, and every master or mate of any barge

or canal boat, who neglects or refuses to observe the provisions of this Act, or the regulations established in pursuance of the preceding section, shall be liable to a penalty of \$50, and for all damages sustained by any passenger in his person or baggage by such neglect or refusal: *Provided*, That nothing herein shall relieve any vessel, owner, or corporation from any liability incurred by reason of such neglect or refusal.

## Penalty for Violations by Vessel

June 7, 1897, sec. 4 (33 U.S. C. 159). Every vessel that shall be navigated without complying with the provisions of this Act shall be liable to a penalty of \$200, one-half to go to the informer, for which sum the vessel so navigated shall be liable and may be seized and proceeded against by action in any district court of the United States having jurisdiction of the offense.

## Limits of Application of International and Inland or Local Rules.

Feb. 19, 1895, sec. 2 (33 U. S. C. 151). The Secretary of Commerce is hereby authorized, empowered, and directed from time to time to designate and define by suitable bearings or ranges with lighthouses, light vessels, buoys or coast objects, the lines dividing the high seas from rivers, harbors, and inland waters.

Feb. 19, 1895, sec. 4. The words "inland waters" used in this Act shall not be held to include the Great Lakes and their connecting

and tributary waters as far east as Montreal.

LINES ESTABLISHING HARBORS, RIVERS, AND INLAND WATERS OF THE UNITED STATES, WITHIN WHICH THE INLAND RULES ARE TO APPLY

[All bearings are in degrees true and points magnetic, and are given approximately; distances in nautical miles]

Inland waters on the Atlantic, Pacific, and Gulf coasts of the United States where the Inland Rules of the Road are to be followed; and inland waters of the United States bordering on the Gulf of Mexico where the Inland Rules of the Road or Pilot Rules for Western Rivers are to be followed.

Cutler (Little River) Harbor, Me.; A line drawn from Long Point 226° (SW.

by W. 1/8 W.) to Little River Head.

Little Machias Bay, Machias Bay, Englishman Bay, Chandler Bay, Moosabec Reach, Pleasant Bay, Machas Bay, Englishman Bay, Chandler Bay, Moosabec Reach, Pleasant Bay, Narraguagus Bay, and Pigeon Hill Bay, Me.: A line drawn from Little River Head 232° (WSW. 3 W.) to the outer side of Old Man; thence 234° (WSW. ½ W.) to the outer side of Double Shot Islands; thence 244° (W. S S.) to Libby Islands Lighthouse; thence 231½° (WSW. ¼ W.) to Moose Peak Lighthouse; thence 232½° (WSW. 3 W.) to Little Pond Head; from Pond Point, Great Wass Island, 239° (W. by S.) to outer side of Crumple Island; thence 249° (W. ¼ S.) to Petit Manan Lighthouse. All Harbors on the Coast of Maine, New Hampshire, and Massachusetts between Potit Manan Lighthouse. Me. and Cane Ann Lighthouses Mass: A

All Harbors on the Coast of Maine, New Hampshire, and Massachusetts between Petit Manan Lighthouse, Me., and Cape Ann Lighthouses, Mass.: A line drawn from Petit Manan Lighthouse 205½° (SW. ¼ S.), 26½ miles, to Mount Desert Lighthouse; thence 250½° (W. ½ S.), about 33 miles, to Matinicus Rock Lighthouses; thence 267½° (WNW. ¾ W.), 20 miles, to Monhegan Island Lighthouse; thence 260° (W. ½ N.), 19½ miles, to Seguin Lighthouse; thence 233° (WSW. ½ W.), 18¼ miles, to Portland Light Vessel; thence 214½° (SW. ¾ W.), 29½ miles, to Boon Island Lighthouse; thence 210° (SW.), 11 miles, to Anderson Ledge Spindle off Islas of Shoals Lighthouse: thence 176½° miles, to Anderson Ledge Spindle, off Isles of Shoals Lighthouse; thence 1764° (S. by W.), 191/2 miles, to Cape Ann Lighthouses, Mass.

Boston Harbor: From Londoner Ledge Spindle (near Thatcher Island Light) 205½° (SW. % S.), 19% miles, to Boston Light Vessel; thence 120½° (SE.), 30% miles to Coast Guard Station at Peaked Hill Bars (near Race Point).

Nantucket Sound, Vineyard Sound, Buzzards Bay, Narragansett Bay, Block Island Sound, and Easterly Entrance to Long Island Sound: A line drawn

from Chatham Lighthouse, Mass., 1331/2° (SSE. 3/4 E.), 61/8 miles, to Pollock Rip Light Vessel; thence 149° (S. by E. 38 E.), 11% miles, to Great Round Shoal Entrance Gas and Whistling Buoy (PS); thence 229° (SW. by W. 34 W.), 14½ miles, to Sankaty Head Lighthouse; from Smith Point, Nantucket Island, 261° (W. 38 N.), 27 miles, to No Man's Land Gas and Whistling Buoy, 25 where 250° (W. by F. 14 E.), 214 miles, to Round Gas and Whistling Buoy, Island, 201° (W. % N.), 21 miles, to No Sian's Land Gds and Missing Lay, 2; thence 359° (N. by E. 1/8 E.), 81/8 miles, to Gay Head Lighthouse; thence 250° (W. 5/8 S.), 341/2 miles, to Block Island Southeast Lighthouse; thence 2501/2° (W. 5/8 S.), 143/4 miles, to Montauk Point Lighthouse, on the easterly end of Long Island, N. Y.

New York Harbor: A line drawn from Rockaway Point Coast Guard Station 159½° (S. by E.) 6¼ miles, to Ambrose Channel Light Vessel; thence 238½° (WSW. ½ W.), 8¼ miles, to Navesink (southerly) Lighthouse.

Philadelphia Harbor and Delaware Bay: A line drawn from Cape May Lighthouse 200° (SSW. ½ W.), 8½ miles, to Overfalls Light Vessel; thence 246¼° (WSW. ½ W.), 3½ miles, to Cape Henlopen Lighthouse.

Baltimore Harbor and Chesapeake Bay: A line drawn from Cape Charles Lighthouse 179½° (S. ½ W.), 10½ miles, to Cape Henry Gas and Whistling Buoy, 2; thence 257° (W. 5/8 S.), 5 miles, to Cape Henry Lighthouse.

Charleston Harbor: A line drawn from the water tank, on Isle of Palms, 150° (SSE.  $\frac{1}{2}$  E.),  $7\frac{1}{2}$  miles, to Charleston Lightship; thence 264° (W.  $\frac{8}{3}$  S.), through Charleston Whistling Buoy, 6 C,  $8\frac{1}{4}$  miles, until Charleston Lighthouse bears 350° (N.  $\frac{8}{4}$  W.); thence 270° (W.  $\frac{1}{8}$  N.), 2 miles to the beach of Folly Island.

Savannah Harbor and Calibogue Sound: A line drawn from Braddock Point, Hilton Head Island, 1501/2° (SSE. 5% E.), 934 miles, to Tybee Gas and Whis-

tling Buoy, T (PS); thence 270° (W.), to the beach of Tybee Island.

St. Simon Sound (Brunswick Harbor) and St. Andrew Sound: From hotel on beach of St. Simon Island <sup>15</sup>/<sub>16</sub> mile 60° (NE. by E. ½ E.) from St. Simon Lighthouse, 130° (SE. ½ E.), 67% miles, to St. Simon Gas and Whistling Buoy (PS); thence 194° (S. by W. ½ W.), 8¾ miles, to St. Andrew Sound Bar Buoy (PS); thence 270° (W.) 4¾ miles, to the shore of Little Cumberland Island.

St. Johns River, Fla.: A straight line from the outer end of the northerly

jetty to the outer end of the southerly jetty.

Florida Reefs and Keys: A line drawn from the easterly end of the northerly Florida Reefs and Keys: A line drawn from the easterly end of the northerly jetty, at the entrance to the dredged channel ½ mile northerly of Norris Cut, 94° (E. ¼ S.), 1½ miles, to Florida Reefs North End Whistling Buoy, W (HS); thence 178° (S. ¼ E.), 8 miles, to Biscayne Bay Sea Bell Buoy, 1; thence 182° (S. ½ W.), 2¾ miles, to Fowey Rocks Lighthouse; thence 188° (S. ½ W.), 6¾ miles, to Triumph Reef Beacon, O; thence 193° (S. by W.), 4½ miles, to Ajax Reef Beacon, M; thence 194° (S. by W. ½ W.), 2 miles, to Pacific Reef Beacon, L; thence 196½° (S. by W. ¾ W.), 5 miles to Turtle Harbor Sea Buoy, 2; thence 210° (SSW. ½ W.), 4½ miles, to Carysfort Reef Lighthouse; thence 209½° (SSW. ½ W.), 5¾ miles, to Elbow Reef Beacon, J; thence 217½° (SW. ¾ S.), 9¾ miles, to Molasses Reef Gas Buoy, 2 M; thence 235½° (SW. ¾ W.) 6 miles, to Conch Reef Beacon, E; thence 234½° (SW. ¾ W.), through Crocker Reef Beacon, D 10¾ miles, to Alligator Reef Light-34 W.), through Crocker Reef Beacon, D 10% miles, to Alligator Reef Lighthouse; thence 234° (SW. 5% W.), 10% miles, to Tennessee Reef Buoy, 4; then 251° (WSW. ½ W.), 10½ miles, to Coffins Patches Beacon, C; thence 247° (SW. by W. ¾ W.), 8¾ miles, to Sombrero Key Lighthouse; thence 253½° (WSW. % W.), 16¾ miles, to Looe Key Beacon, 6; thence 257½° (WSW. ¾ W.), 6\% miles, to American Shoal Lighthouse; thence 253\%\circ (WSW. \% W.), 2\%\circ miles to Maryland Shoal Beacon, S; thence 259\circ (WSW. \% W.), 5\%\circ miles, to Eastern Sambo Beacon, A: thence 253\circ (WSW. \% W.), 2\%\circ miles, to Western Sambo Beacon, R; thence 257\circ (WSW. \% W.), through Western Sambo Buoy, 2, \\ \frac{1}{2}\circ (WSW. \frac{1}{2}\circ WSW. (NE. by E.), 4% miles, to Bar Buoy, 1, Boca Grande Channel: thence 83° (E. 7/8 N.), 94 miles, to Northwest Channel Entrance Bell Buoy, 1, Northwest Channel into Key West: thence 68° (NE. by E. 7/8 E.), 23½ miles, to northerly side of Content Keys; thence 49° (NE. ½ E.), 29 miles, to East Cape, Cape Sable.

Charlotte Harbor and Punta Gorda, Fla.: Eastward of Charlotte Harbor Entrance Gas and Bell Buoy (PS), off Boca Grande, and in Charlotte Harbor in Pine Island Sound and Matlacha Pass. Pilot Rules for Western Rivers apply in Peace and Miakka Rivers north of a 250 and 70° (WSW. and ENE.) line through Mangrove Point Light; and in Caloosahatchee River northward of the steamboat wharf at Punta Rasa.

Tampa Bay and Tributaries, Fla.: From the southerly end of Long Key 245° (SW. by W. 5% W.), 9 miles, to Tampa Bay Gas and Whistling Buoy (PS); thence 120° (SE 3/4 E.), 6½ miles, to Bar Bell Buoy (PS), at the entrance to Southwest Channel; thence 103° (E. by S.), 23/4 miles, to the house on the north end of Anna Maria Key. Pilot Rules for Western Rivers apply in Manatee River inside Manatee River Entrance Buoy, 2; in Hillsboro Bay and

River inside Hillsboro Bay Light, 2.

St. George Sound, Apalachicola Bay, Carrabelle and Apalachicola Rivers, and St. Vincent Sound, Fla.: North of a line from Lighthouse Point 246° (SW. by W. ½ W.), 13¼ miles, to southeasterly side of Dog Island; to northward of East Pass Bell Buoy, 1, at the entrance to East Pass, and inside West Pass Bell Buoy (PS) at the seaward entrance to West Pass. Pilot Rules for Western Rivers apply in Carrabelle River inside the entrance to the dredged channel; in Apalachicola River northward of Apalachicola Dredged Channel Entrance Buoy, 2.

Pensacola, Harbor: From Caucus Cut Entrance Gas and Whistling Buoy, 1A, 3° (N. 1/8 W.), tangent to easterly side of Fort Pickens, to the shore of Santa Rosa Island, and from the buoy northward in the buoyed channel through

Caucus Shoal.

Mobile Harbor and Bay: From Mobile Entrance Gas and Whistling Buoy (PS) 40° (NE. 7/8 N.) to shore of Mobile Point, and from the buoy 320° (NW.) to the shore of Dauphin Island. Pilot Rules for Western Rivers apply in

Mobile River above Choctaw Point.

Sounds, Lakes, and Harbors on the Coasts of Alabama, Mississippi, and Louisiana, Between Mobile Bay Entrance and the Delta of the Mississippi River: From Sand Island Lighthouse 259° (WSW. 5% W.), 43½ miles, to Chandeleur Lighthouse; westward of Chandeleur and Errol Islands, and west of a line drawn from the southwesterly point of Errol Island 182° (S. ¼ E.), 23 miles to Pass a Loutre Lighthouse. Pilot Rules for Western Rivers apply in Pascagoula River, and in the dredged cut at the entrance to the river, above Pascagoula River Entrance Light, A, marking the entrance to the dredged cut. New Orleans Harbor and the Delta of the Mississippi River; Inshore of a line drawn from the outermost mud lump showing above low water at the

entrance to Pass a Loutre to a similar lump off the entrance to Northeast Pass; thence to a similar lump off the entrance to Southeast Pass; thence to the outermost aid to navigation off the entrance to South Pass; thence to the outermost aid to navigation off the entrance to Southwest Pass; thence north-

erly, about 19½ miles, to the westerly point of the entrance to Bay Jaque. Sabine Pass, Tex.: Pilot Rules for Western Rivers apply to Sabine Pass northward of Sabine Pass Gas and Whistling Buoy (PS), and in Sabine Lake and its tributaries. Outside of this buoy the International Rules apply.

Galveston Harbor: A line drawn from Galveston North Jetty Light 129° (SE. by E. ¼ E.), 2 miles, to Galveston Bar Gas and Whistling Buoy (PS): thence 276° (W. ½ S.), 2¼ miles, to Galveston (S.) Jetty Lighthouse.

Brazos River, Tex.: Pilot Rules for Western Rivers apply in the entrance and river inside of Brazos River Entrance Gas and Whistling Buoy (PD).

International Rules apply outside the buoy.

San Dlego Harbor: A line drawn from southerly tower of Coronado Hotel 208° (S. by W.), 5 miles, to Outside Bar Whistling Buoy, SD (PS); thence 345° (NNW. ¾ W.) 35% miles, to Point Loma Lighthouse.

San Francisco Harbor: A line drawn through Mile Rocks Lighthouse 326°

(NW. 5/8 W.) to Bonita Point Lighthouse.

Columbia River Entrance: A line drawn from knuckle of Columbia River south jetty 351° (NWW. % W.) to Cape Disappointment Lighthouse.

Juan de Fuca Strait, Washington and Puget Sounds: A line drawn from New Dungeness Lighthouse 13½° (N. by W.), 10% miles, to Hein Bank Gas and Bell Buoy (HS): thence 337½° (NW. ½ W.) 10¾ miles, to Lime Kiln Light on west side of San Juan Island; from Bellevue Point, San Juan Island, 336½° (NW. ¼ W.) to Kellett Bluff, Henry Island; thence 347° (NW. 5/8 N.) to Turn Point Light; thence 71½° (NE. ½ E.), 8½ miles, to westerly point of Skipjack Island; thence  $38\frac{1}{2}$ ° (N. by E.  $\frac{1}{4}$  E.), 4% miles, to Patos Islands Light; thence 338° (NW.  $\frac{1}{8}$  W.), 12 miles, to Point Roberts Light.

General Rule .- At all buoyed entrances from seaward to bays, sounds, rivers, or other estuaries for which specific lines have not been described, Inland Rules shall apply inshore of a line approximately parallel with the general trend of the shore, drawn through the outermost buoy or other aid to navigation of any system of aids.

Pilot Rules for the Great Lakes and the St. Lawrence River as Far East as Montreal.

Feb. 8, 1895, sec. 1 (33 U. S. C. 241). The following rules for preventing collisions shall be followed in the navigation of all public and private vessels of the United States upon the Great Lakes and their connecting and tributary waters as far east as Montreal.

## DEFINITIONS

Feb. 8, 1895, sec. 1 (33 U. S. C. 242). Rule 1. Every steam vessel which is under sail and not under steam shall be considered a sail vessel; and every steam vessel which is under steam, whether under sail or not, shall be considered a steam vessel. The word "steam vessel" shall include any vessel propelled by machinery. A vessel is "under way" within the meaning of these rules when she is not at anchor or made fast to the shore or aground.

#### LIGHTS

Feb. 8, 1895, sec. 1 (33 U. S. C. 251). Rule 2. The lights mentioned in the following rules, and no others which may be mistaken for the prescribed lights, shall be exhibited in all weathers from sunset to sunrise. The word "visible" in these rules, when applied to lights, shall mean visible on a dark night with a clear atmosphere. (May 17, 1928.)

## STEAM VESSEL-MASTHEAD LIGHT

Feb. 8, 1895, sec. 1 (33 U. S. C. 252). Rule 3. Except in the cases hereinafter expressly provided for, a steam vessel when under way

shall carry:

(a) On or in front of the foremast, or if a vessel without a foremast, then in the fore part of the vessel, at a height above the hull of not less than twenty feet, and if the beam of the vessel exceeds twenty feet, then at a height above the hull not less than such beam, so, however, that such height need not exceed forty feet, a bright white light so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side, and of such character as to be visible at a distance of at least five miles: Provided, however, That such vessels built to navigate the New York State Barge Canal or other similar canals where the bridges prevent them from carrying the headlight at the height prescribed herein, shall carry such headlight not less than twenty feet above the hull. (May 17, 1928; May 9, 1932.)

## STEAM VESSEL-SIDE LIGHTS

Feb. 8, 1895, sec. 1 (33 U.S. C. 252). (b) On the starboard side, a green light, so constructed as to throw an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least two miles.

(c) On the port side, a red light, so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side, and of such a character as to be visible at a distance of at least two miles.

(d) The said green and red lights shall be fitted with inboard screens projecting at least three feet forward from the light, so as to prevent these lights from being seen across the bow. (May 17, 1928; May 9, 1932.)

## STEAM VESSEL-RANGE LIGHTS

Feb. 8, 1895, sec. 1 (33 U. S. C. 252). (e) A steamer of over one hundred and fifty feet register length shall carry also, when under way, a bright white light so fixed as to throw the light all around the horizon, and of such character as to be visible at a distance of at least three miles. Such light shall be placed in line with the keel at least fifteen feet higher from the deck and more than seventy-five feet abaft the light mentioned in subdivision (a); or in lieu thereof two such lights of the same character and height as herein described placed not over thirty inches apart horizontally, one on either side of the keel, and so arranged that one or the other or both shall be visible from any angle of approach. (May 17, 1928; May 9, 1932.)

## STEAM VESSEL-WHEN TOWING OTHER THAN RAFTS

Feb. 8, 1895, sec. 1 (33 U. S. C. 253). Rule 4. A steam vessel having a tow other than a raft shall in addition to the forward bright light mentioned in subdivision (a) of rule three carry in a vertical line not less than six feet above or below that light a second bright light of the same construction and character and fixed and carried in the same manner as the forward bright light mentioned in said subdivision (a) of rule three. Such steamer shall also carry a small, bright light abaft the funnel or aftermast for the tow to steer by, but such light shall not be visible forward of the beam.

### STEAM VESSEL-WHEN TOWING RAFTS

Feb. 8, 1895, sec. 1 (33 U. S. C. 254). Rule 5. A steam vessel having a raft in tow shall, instead of the forward lights mentioned in rule four, carry on or in front of the foremast, or if a vessel without a foremast then in the fore part of the vessel, at a height above the hull of not less than twenty feet, and if the beam of the vessel exceeds twenty feet, then at a height above the hull not less than such beam, so however that such height need not exceed forty feet, two bright lights in a horizontal line athwartships and not less than eight feet apart, each so fixed as to throw the light all around the horizon and of such character as to be visible at a distance of at least five miles. Such steamer shall also carry the small, bright steering light aft, of the character and fixed as required in rule four.

## SAILING VESSEL AND VESSEL IN TOW

Feb. 8, 1895, sec. 1 (33 U. S. C. 255). Rule 6. A sailing vessel under way and any vessel being towed shall carry the side lights mentioned in rule three.

A vessel in tow shall also carry a small, bright light aft, but such light shall not be visible forward of the beam.

#### TUGS

Feb. 8 1895, sec. 1 (33 U. S. C. 256). Rule 7. The lights for tugs under one hundred tons register (net), whose principal business is harbor towing, and for boats navigating only on the River Saint Lawrence, also ferryboats, rafts, and canal boats, shall be regulated by rules which have been or may hereafter be prescribed by the Board of Supervising Inspectors of Steam Vessels. (May 17, 1928)

## SMALL VESSELS

Feb. 8, 1895, sec. 1 (33 U. S. C. 257). Rule 8. Whenever, as in the case of small vessels under way during bad weather, the green and red side lights cannot be fixed, these lights shall be kept at hand lighted and ready for use, and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side, nor the red light on the starboard side, nor, if practicable, more than two points abaft the beam on their respective sides. To make the use of these portable lights more certain and easy, they shall each be painted outside with the color of the light they respectively contain, and shall be provided with suitable screens.

#### ANCHOR LIGHTS

Feb. 8, 1895, sec. 1 (33 U. S. C. 258). Rule 9. A vessel under one hundred and fifty feet register length, when at anchor, shall carry forward, where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light constructed so as to show a clear, uniform, and unbroken light visible all around the horizon at a distance of at least one mile.

A vessel of one hundred and fifty feet or upward in register length, when at anchor, shall carry in the forward part of the vessel two white lights at the same height of not less than twenty and not exceeding forty feet above the hull and not less than ten feet apart horizontally and athwartships, except that each need not be visible all around the horizon but so arranged that one or the other, or both, shall show a clear, uniform, and unbroken light and be visible from any angle of approach at a distance of at least one mile; and at or near the stern of the vessel two similar lights, similarly arranged and at such a height that they shall not be less than fifteen feet lower than the forward lights. In addition the four anchor lights above specified, at least one white deck light shall be displayed in every interval of one hundred feet along the deck measuring from the forward lights, said deck lights to be not less than two feet above

the deck and arranged, so far as intervening structures will permit, so as to be visible from any angle of approach. (May 17, 1928)

PRODUCE BOATS, CANAL BOATS, FISHING BOATS, RAFTS, ETC.

Feb. 8, 1895, sec. 1 (33 U. S. C. 259). Rule 10. Produce boats, canal boats, fishing boats, rafts, or other water craft navigating any bay, harbor, or river by hand power, horse power, sail, or by the current of the river, or which shall be anchored or moored in or near the channel or fairway of any bay, harbor, or river, and not otherwise provided for in these rules, shall carry one or more good white lights, which shall be placed in such manner as shall be prescribed by the Board of Supervising Inspectors of Steam Vessels.

#### OPEN BOATS

Feb. 8, 1895, sec. 1 (33 U. S. C. 260). Rule 11. Open boats shall not be obliged to carry the side lights required for other vessels, but shall, if they do not carry such lights, carry a lantern having a green slide on one side and a red slide on the other side; and on the approach of or to other vessels, such lantern shall be exhibited in sufficient time to prevent collision, and in such a manner that the green light shall not be seen on the port side, nor the red light on the starboard side. Open boats, when at anchor or stationary, shall exhibit a bright white light. They shall not, however, be prevented from using a flare-up in addition if considered expedient.

#### USE OF TORCH BY SAILING VESSEL ON APPROACH OF STEAMER

Feb. 8, 1895, sec. 1 (33 U. S. C. 261). Rule 12. Sailing vessels shall at all times, on the approach of any steamer during the night-time, show a lighted torch upon that point or quarter to which such steamer shall be approaching.

#### VESSELS OF WAR AND COAST GUARD CUTTERS

Feb. 8, 1895, sec. 1 (33 U. S. C. 262). Rule 13. The exhibition of any light on board of a vessel of war or Coast Guard cutter of the United States may be suspended whenever, in the opinion of the Secretary of the Navy, the commander in chief of a squadron, or the commander of a vessel acting singly, the special character of the service may require it.

## Fog Signals

## STEAM AND SAILING VESSELS

Feb. 8, 1895, sec. 1 (33 U. S. C. 271). Rule 14. A steam vessel shall be provided with an efficient whistle, sounded by steam or by some substitute for steam, placed before the funnel not less than eight feet from the deck, or in such other place as the local inspectors of steam vessels shall determine, and of such character as to be heard in ordinary weather at a distance of at least two miles, and with an efficient bell, and it is hereby made the duty of the United States local inspectors of steam vessels when inspecting the same to require

each steamer to be furnished with such whistle and bell. A sailing vessel shall be provided with an efficient foghorn and with an efficient bell.

### STEAM VESSEL UNDER WAY

Feb. 8, 1895, sec. 1 (33 U. S. C. 271). Whenever there is thick weather by reason of fog, mist, falling snow, heavy rainstorms, or other causes, whether by day or by night, fog signals shall be used as follows:

(a) A steam vessel under way, excepting only a steam vessel with raft in tow, shall sound at intervals of not more than one minute

three distinct blasts of her whistle.

(b) Every vessel in tow of another vessel shall, at intervals of one minute, sound four bells on a good and efficient and properly placed bell as follows: By striking the bell twice in quick succession, followed by a little longer interval, and then again striking twice in quick succession (in the manner in which four bells is struck in indicating time).

(c) A steamer with a raft in tow shall sound at intervals of not more than one minute a screeching or Modoc whistle for from three

to five seconds.

### SAILING VESSEL UNDER WAY

Feb. 8, 1895, sec. 1 (33 U.S. C. 271). (d) A sailing vessel under way and not in tow shall sound at intervals of not more than one minute—

If on the starboard tack with wind forward of abeam, one blast of

her foghorn;

If on the port tack with wind forward of the beam, two blasts of her foghorn;

If she has the wind abaft the beam on either side, three blasts of her foghorn.

## VESSEL AT ANCHOR

Feb. 8, 1895, sec. 1 (33 U. S. C. 271). (e) Any vessel at anchor and any vessel aground in or near a channel or fairway shall at intervals of not more than two minutes ring the bell rapidly for three to five seconds.

(f) Vessels of less than ten tons registered tonnage, not being steam vessels, shall not be obliged to give the above-mentioned signals, but if they do not they shall make some other efficient sound signal

at intervals of not more than one minute.

## PRODUCE BOATS, FISHING BOATS, RAFTS, ETC.

Feb. 8, 1895, sec. 1 (33 U. S. C. 271). (g) Produce boats, fishing boats, rafts, or other water craft navigating by hand power or by the current of the river, or anchored or moored in or near the channel or fairway and not in any port, and not otherwise provided for in these rules, shall sound a foghorn, or equivalent signal, at intervals of not more than one minute.

#### SPEED IN FOG

Feb. 8, 1895, sec. 1 (33 U. S. C. 272). Rule 15. Every vessel shall, in thick weather, by reason of fog, mist, falling snow, heavy rain-

storms, or other causes, go at moderate speed. A steam vessel hearing, apparently not more than four points from right ahead, the fog signal of another vessel shall at once reduce her speed to bare steerageway, and navigate with caution until the vessels shall have passed each other.

## STEERING AND SAILING RULES

#### SAILING VESSELS

Feb. 8, 1895, sec. 1 (33 U. S. C. 281). Rule 16. When two sailing vessels are approaching one another so as to involve risk of collision one of them shall keep out of the way of the other, as follows, namely:

(a) A vessel which is running free shall keep out of the way of

a vessel which is close-hauled.

(b) A vessel which is close-hauled on the port tack shall keep out of the way of a vessel which is close-hauled on the starboard tack.

(c) When both are running free, with the wind on different sides, the vessel which has the wind on the port side shall keep out of the

way of the other.

(d) When they are running free, with the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward.

## TWO STEAM VESSELS MEETING

Feb. 8, 1895, sec. 1 (33 U. S. C. 282). Rule 17. When two steam vessels are meeting end on, or nearly end on, so as to involve risk of collision each shall alter her course to starboard, so that each shall pass on the port side of the other.

#### TWO STEAM VESSELS CROSSING

Feb. 8, 1895, sec. 1 (33 U. S. C. 283). Rule 18. When two steam vessels are crossing so as to involve risk of collision the vessel which has the other on her own starboard side shall keep out of the way of the other.

## STEAM VESSEL SHALL KEEP OUT OF THE WAY OF SAILING VESSEL

Feb. 8, 1895, sec. 1 (33 U. S. C. 284). Rule 19. When a steam vessel and a sailing vessel are proceeding in such directions as to involve risk of collision the steam vessel shall keep out of the way of the sailing vessel.

## COURSE AND SPEED

FEB. 8, 1895, sec. 1 (33 U. S. C. 285). Rule 20. Where, by any of the rules herein prescribed, one of two vessels shall keep out of the way, the other shall keep her course and speed.

### STEAM VESSEL SHALL SLACKEN SPEED

Feb. 8, 1895, sec. 1 (33 U. S. C. 286). Rule 21. Every steam vessel which is directed by these rules to keep out of the way of another

vessel shall, on approaching her, if necessary, slacken her speed or stop or reverse.

#### OVERTAKING VESSEL

Feb. 8, 1895, sec. 1 (33 U. S. C. 287). Rule 22. Notwithstanding anything contained in these rules every vessel overtaking any other shall keep out of the way of the overtaken vessel.

#### COURSE INDICATED BY SIGNALS

Feb. 8, 1895, sec. 1 (33 U. S. C. 288). Rule 23. In all weathers every steam vessel under way in taking any course authorized or required by these rules shall indicate that course by the following signals on her whistle, to be accompanied whenever required by corresponding alteration of her helm; and every steam vessel receiving a signal from another shall promptly respond with the same signal or, as provided in rule 26:

One blast to mean, "I am directing my course to starboard."

Two blasts to mean, "I am directing my course to port." But the giving or answering signals by a vessel required to keep her course shall not vary the duties and obligations of the respective vessels.

## STEAMERS MEETING IN NARROW CHANNELS

Feb. 8, 1895, sec. 1 (33 U.S. C. 289). Rule 24. In all narrow channels where there is a current, and in the Rivers Saint Mary, Saint Clair, Detroit, Niagara, and Saint Lawrence, when two steamers are meeting, the descending steamer shall have the right of way, and shall, before the vessels shall have arrived within the distance of one-half mile of each other, give the signal necessary to indicate which side she elects to take.

## STEAMERS PASSING IN NARROW CHANNELS

Feb. 8, 1895, sec. 1 (33 U. S. C. 290). Rule 25. In all channels less than five hundred feet in width, no steam vessel shall pass another going in the same direction unless the steam vessel ahead be disabled or signify her willingness that the steam vessel astern shall pass, when the steam vessel astern may pass, subject, however, to the other rules applicable to such a situation. And when steam vessels proceeding in opposite directions are about to meet in such channels, both such vessels shall be slowed down to a moderate speed, according to the circumstances.

## SOUND SIGNALS FOR PASSING STEAMERS

Feb. 8, 1895, sec. 1 (33 U. S. C. 291). Rule 26. If the pilot of a steam vessel to which a passing signal is sounded deems it unsafe to accept and assent to said signal, he shall not sound a cross signal; but in that case, and in every case where the pilot of one steamer fails to understand the course or intention of an approaching steamer, whether from signals being given or answered erroneously, or from other causes, the pilot of such steamer so receiving the first passing signal, or the pilot so in doubt, shall sound several short and rapid blasts of the whistle; and if the vessels shall have approached within

half a mile of each other both shall reduce their speed to bare steerageway and, if necessary, stop and reverse.

#### GENERAL PRUDENTIAL RULE

Feb. 8, 1895, sec. 1 (33 U. S. C. 292). Rule 27. In obeying and construing these rules due regard shall be had to all dangers of navigation and collision and to any special circumstances which may render a departure from the above rules necessary in order to avoid immediate danger.

## PRECAUTION

Feb. 8, 1895, sec. 1 (33 U. S. C. 293). Rule 28. Nothing in these rules shall exonerate any vessel, or the owner or master or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper lookout, or of a neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

### ORDERS TO HELMSMEN

Feb. 8, 1895, sec. 1 (33 U. S. C. 294). Rule 29. All orders to helmsmen shall be given as follows:

"Right Rudder" to mean "Direct the vessel's head to starboard." "Left Rudder" to mean "Direct the vessel's head to port." (Aug. 21, 1935, sec. 5.)

## PENALTY

Feb. 8, 1895, sec. 2 (33 U. S. C. 244). A fine, not exceeding \$200, may be imposed for the violation of any of the provisions of this Act. The vessel shall be liable for the said penalty, and may be seized and proceeded against by way of libel, in the district court of the United States for any district within which such vessel may be found.

# AUTHORITY OF SECRETARY OF COMMERCE TO ESTABLISH REGULATIONS

Feb. 8, 1895, sec. 3 (33 U. S. C. 243). The Secretary of Commerce of the United States shall have authority to establish all necessary regulations, not inconsistent with the provision of this Act, required to carry the same into effect.

# Authority of Board of Supervising Inspectors to Establish Regulations

Feb. 8, 1895, sec. 3 (33 U. S. C. 243). The Board of Supervising Inspectors of the United States shall have authority to establish such regulations to be observed by all steam vessels in passing each other, not inconsistent with the provisions of this Act, as they shall from time to time deem necessary; and all regulations adopted by the said Board of Supervising Inspectors under the authority of this Act, when approved by the Secretary of Commerce, shall have the force of law. Two printed copies of any such regulations for passing,

signed by them, shall be furnished to each steam vessel, and shall at all times be kept posted up in conspicuous places on board.

Pilot Rules for the Red River of the North, and Rivers Emptying into the Gulf of Mexico, and Their Tributaries.

June 7, 1897, sec. 5. Sections 4233, 4412 (with the regulations made in pursuance thereof, except the rules and regulations for the government of pilots and steamers navigating the Red River of the North and rivers emptying into the Gulf of Mexico and their tributaries, and except the rules for the Great Lakes and their connecting and tributary waters as far east as Montreal), and 4413 of the Revised Statutes of the United States, and chapter 202 of the laws of 1893, and sections 1 and 3 of chapter 102 of the laws of 1895, and sections 5, 12, and 13 of the Act approved March 3, 1897, entitled "An Act to amend the laws relating to navigation", and all amendments thereto, are hereby repealed so far as the harbors, rivers, and inland waters aforesaid (except the Great Lakes and their connecting and tributary waters as far east as Montreal and the Red River of the North and rivers emptying into the Gulf of Mexico, and their tributaries) are concerned.

## ADOPTION OF RULES

R. S. 4233 (33 U. S. C. 301). The following rules for preventing collisions on the water shall be followed in the navigation of vessels of the Navy and of the mercantile marine of the United States:

(Aug. 19, 1890.)

[The United States Code has in addition, in this section—Such rules and regulations pursuant to the provisions of the rules applicable to the Red River of the North and rivers emptying into the Gulf of Mexico and tributaries are hereby declared special rules duly made by local authority relative to the navigation of harbors, rivers, and inland waters as provided for in the Act of August 19, 1890. (Feb. 8, 1895; Feb. 19, 1895; June 7, 1897.)]

## DEFINITIONS

Feb. 19, 1895 (33 U. S. C. 302). Rule 1. Every steam vessel which is under sail and not under steam shall be considered a sail vessel; and every steam vessel which is under steam, whether under sail or not, shall be considered a steam vessel. The words "steam vessel" shall include any vessel propelled by machinery. (Mar. 3, 1905, sec. 10.)

#### LIGHTS

R. S. 4233 (33 U. S. C. 311). Rule 2. The lights mentioned in the following rules, and no others, shall be carried in all weathers, between sunset and sunrise. (Feb. 19, 1895.)

## STEAM VESSELS-MASTHEAD LIGHT

R. S. 4233 (33 U. S. C. 312). Rule 3. All ocean-going steamers

and steamers carrying sail, shall, when under way, carry-

(A) At the foremast head a bright white light, of such a character as to be visible on a dark night, with a clear atmosphere, at a dis-

tance of at least five miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of twenty points of the compass, and so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side. (Feb. 19, 1895.)

### STEAM VESSELS-SIDE LIGHTS

R. S. 4233 (33 U. S. C. 312). (B) On the starboard side, a green light, of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass, and so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side.

(C) On the port side, a red light, of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass, and so fixed as to throw the light from right ahead to two points

abaft the beam on the port side.

The green and red lights shall be fitted with inboard screens, projecting at least three feet forward from the lights, so as to prevent them from being seen across the bow. (Feb. 19, 1895.)

#### STEAM VESSELS-WHEN TOWING

R. S. 4233 (33 U. S. C. 313). Rule 4. Steam vessels, when towing other vessels, shall carry two bright white masthead lights vertically, in addition to their side lights, so as to distinguish them from other steam vessels. Each of these masthead lights shall be of the same character and construction as the masthead lights prescribed by the rule three. (Feb. 19, 1895.)

# STEAM VESSELS OTHER THAN OCEAN-GOING STEAMERS AND STEAMERS CARRYING SAIL

R. S. 4233 (33 U. S. C. 314). Rule 5. All steam vessels, other than ocean-going steamers and steamers carrying sail, shall, when under way, carry on the starboard and port side lights of the same character and construction and in the same position as are prescribed for side lights by rule three, except in the case provided in rule six. (Feb. 19, 1895.)

### RIVER STEAMERS

R. S. 4233 (33 U. S. C. 315). Rule 6. River steamers navigating waters flowing into the Gulf of Mexico, and their tributaries, shall carry the following lights, namely: One red light on the outboard side of the port smoke pipe, and one green light on the outboard side of the starboard smoke pipe. Such lights shall show both forward and abeam on their respective sides. (Feb. 19, 1895.)

#### SPECIAL LIGHTS

R. S. 4233 (33 U. S. C. 316). Rule 7. All steam vessels other than ferryboats and vessels otherwise expressly provided for, navigating

the bays, lakes, rivers, or other inland waters of the United States, except those mentioned in rule six, shall carry the red and green lights, as prescribed for ocean-going steamers, and, in addition thereto, a central range of two white lights; the afterlight being carried at an elevation of at least fifteen feet above the light at the head of the vessel. The head light shall be so constructed as to show a good light through twenty points of the compass, namely: from right ahead to points abaft the beam on either side of the vessel; and the afterlight so as to show all around the horizon. The lights for ferryboats, barges, and canal boats when in tow of steam vessels shall be regulated by such rules as the Board of Supervising Inspectors of Steam Vessels shall prescribe. (Mar. 3, 1893; Feb. 19, 1895.)

### SAILING VESSELS

R. S. 4233 (33 U. S. C. 317). Rule 8. Sail vessels, under way or being towed, shall carry the same lights as steam vesels under way, with the exception of the white masthead lights, which they shall never carry. (Feb. 19, 1895).

### SMALL VESSELS DURING BAD WEATHER

R. S. 4233 (33 U. S. C. 318). RULE 9. Whenever, as in case of small vessels during bad weather, the green and red lights cannot be fixed, these lights shall be kept on deck, on their respective sides of the vessel, ready for instant exhibition, and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side, nor the red light on the starboard side. To make the use of these portable lights more certain and easy, they shall each be painted outside with the color of the light they respectively contain, and shall be provided with suitable screens. (Feb. 19, 1895.)

## VESSELS AT ANCHOR

R. S. 4233 (33 U. S. C. 319). Rule 10. All vessels, whether steam vessels or sail vessels, when at anchor in roadsteads or fairways, shall, between sunset and sunrise, exhibit where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light in a globular lantern of eight inches in diameter, and so constructed as to show a clear, uniform, and unbroken light, visible all around the horizon, and at a distance of at least one mile. (Feb. 19, 1895.)

### SAILING PILOT VESSELS

R. S. 4233 (33 U. S. C. 320). Rule 11. Sailing pilot vessels shall not carry the lights required for other sailing vessels, but shall carry a white light at the masthead, visible all around the horizon, and shall also exhibit a flare-up light every fifteen minutes. (Feb. 19. 1895; Mar. 3, 1897, sec. 5.)

### STEAM PILOT VESSELS

R. S. 4233 (33 U. S. C. 320). Rule 11. Steam pilot boats shall, in addition to the masthead light and green and red side lights required

for ocean steam vessels, carry a red light hung vertically from three to five feet above the foremast headlight, for the purpose of distinguishing such steam pilot boats from other steam vessels. (Mar. 3, 1897, sec. 5.)

COAL BOATS, TRADING BOATS, PRODUCE BOATS, CANAL BOATS, ETC.

R. S. 4233 (33 U. S. C. 321). Rule 12. Coal boats, trading boats, produce boats, canal boats, oyster boats, fishing boats, rafts, or other water craft, navigating any bay, harbor, or river, by hand power, horsepower, sail, or by the current of the river, or which shall be anchored or moored in or near the channel or fairway of any bay, harbor, or river, shall carry one or more good white lights, which shall be placed in such manner as shall be prescribed by the board of supervising inspectors of steam vessels. (Feb. 19, 1895) [but this rule shall be so construed as not to require rowboats and skiffs on the River St. Lawrence to carry lights]. (June 19, 1886, sec. 16.)

## OPEN BOATS

R. S. 4233 (33 U. S. C. 322). Rule 13. Open boats shall not be required to carry the side lights required for other vessels but shall, if they do not carry such lights, carry a lantern having a green slide on one side and a red slide on the other side; and, on the approach of or to other vessels, such lantern shall be exhibited in sufficient time to prevent collision, and in such a manner that the green light shall not be seen on the port side, nor the red light on the starboard side. Open boats, when at anchor or stationary, shall exhibit a bright white light. They shall not, however, be prevented from using a flare-up, in addition, if considered expedient. (Feb. 19, 1895.)

#### VESSELS OF WAR AND COAST GUARD CUTTERS

Feb. 19, 1895 (33 U. S. C. 323). Rule 14. The exhibition of any light on board of a vessel of war of the United States may be suspended whenever, in the opinion of the Secretary of the Navy, the commander in chief of a squadron, or the commander of a vessel acting singly, the special character of the service may require it. The exhibition of any light on board of a Coast Guard cutter of the United States may be suspended whenever, in the opinion of the commander of the vessel, the special character of the service may require it. (Mar. 3, 1897, sec. 12.)

## SOUND SIGNALS IN FOG, ETC.

R. S. 4233 (33 U. S. C. 331). Rule 15. Whenever there is a fog, or thick weather, whether by day or night, fog signals shall be used as follows: (a) Steam vessels under way shall sound a steam whistle placed before the funnel, not less than eight feet from the deck, at intervals of not more than one minute. Steam vessels, when towing, shall sound three blasts of quick succession, repeated at intervals of not more than one minute. (b) Sail vessels under way shall sound a foghorn at intervals of not more than one minute. (c) Steam vessels and sail vessels, when not under way, shall sound a bell at intervals of not more than two minutes. (d) Coal boats, trading boats, produce boats, canal boats, oyster boats, fishing boats, rafts, or other

water craft, navigating any bay, harbor, or river, by hand power, horsepower, sail, or by the current of the river, or anchored or moored in or near the channel or fairway of any bay, harbor, or river, and not in any port, shall sound a fog-horn, or equivalent signal, which shall make a sound equal to a steam whistle, at intervals of not more than two minutes. (Feb. 19, 1895; Mar. 3, 1897, sec. 12.)

## STEERING AND SAILING RULES

## PRELIMINARY

R. S. 4233 (33 U. S. C. 341). RULE 16. Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist. (Feb. 19, 1895; Mar. 3 1897, sec. 12.)

## SAILING VESSELS

R. S. 4233 (33 U. S. C. 342). Rule 17. When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other, as follows, namely:

(a) A vessel which is running free shall keep out of the way of

vessel which is close-hauled.

(b) A vessel which is close-hauled on the port tack shall keep out of the way of a vessel which is close-hauled on the starboard tack.

(c) When both are running free, with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.

(d) When both vessels are running free, with the wind on the same side, the vessel which is to the windward shall keep out of the

way of the vessel which is to the leeward.

(e) A vessel which has the wind aft shall keep out of the way of the other vessel. (Feb. 19, 1895; Mar. 3, 1897, sec. 12.)

## TWO STEAM VESSELS MEETING

R. S. 4233 (33 U. S. C. 343). Rule 18. If two vessels under steam are meeting end on or nearly end on, so as to invoke risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other. (Feb. 19, 1895.)

## TWO STEAM VESSELS CROSSING

R. S. 4233 (33 U. S. C. 344). Rule 19. If two vessels under steam are crossing so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other. (Feb. 19, 1895.)

## STEAM VESSEL SHALL KEEP OUT OF WAY OF SAILING VESSEL

R. S. 4233 (33 U. S. C. 345). Rule 20. If two vessels, one of which is a sail vessel and the other a steam vessel, are proceeding in such directions as to involve risk of collision, the steam vessel shall keep out of the way of the sail vessel. (Feb. 19, 1895.)

#### STEAM VESSEL SHALL SLACKEN SPEED OR STOP

R. S. 4233 (33 U. S. C. 346). Rule 21. Every steam vessel, when approaching another vessel, so as to involve risk of collision, shall slacken her speed, or, if necessary, stop and reverse; and every steam vessel shall, when in a fog, go at a moderate speed. (Feb. 19, 1895.)

#### OVERTAKING VESSELS

R. S. 4233 (33 U. S. C. 347). Rule 22. Every vessel overtaking any other vessel shall keep out of the way of the last-mentioned vessel. (Feb. 19, 1895.)

#### COURSE AND SPEED

R. S. 4233 (33 U. S. C. 348). Rule 23. Where, by rules 17, 19, 20, and 22, one of two vessels shall keep out of the way, the other shall keep her course, subject to the qualifications of rule 24. (Feb. 19, 1895.)

## GENERAL PRUDENTIAL RULE

R. S. 4233 (33 U. S. C. 349). Rule 24. In construing and obeying these rules, due regard must be had to all dangers of navigation, and to any special circumstances which may exist in any particular case rendering a departure from them necessary in order to avoid immediate danger. (Feb. 19, 1895.)

#### SAIL VESSEL OVERTAKEN

R S. 4233 (33 U. S. C. 350). Rule 25. A sail vessel which is being overtaken by another vessel during the night shall show from her stern to such last-mentioned vessel a torch or a flare-up light. (Feb. 19, 1895; Mar. 3, 1897, sec. 13.)

#### PRECAUTION

R. S. 4233 (33 U. S. C. 351). Rule 26. Nothing in these rules shall exonerate any ship, or the owner, or master, or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of seamen or by the special circumstances of the case. (Feb. 19, 1895; Mar. 3, 1897, sec. 13.)

## ORDERS TO HELMSMEN

Feb. 18, 1895 (33 U. S. C. 352). Rule 27. All orders to helmsmen shall be given as follows:

"Right Rudder" to mean "Direct the vessel's head to starboard." "Left Rudder" to mean "Direct the vessel's head to port." (Aug. 21, 1935, sec. 5.)

# BOARD OF SUPERVISING INSPECTORS ESTABLISH REGULATIONS FOR PASSING STEAMERS

R. S. 4412 (46 U. S. C. 381). The board of supervising inspectors shall establish such regulations to be observed by all steam vessels in passing each other, as they shall from time to time deem necessary

for safety; two printed copies of such regulations, signed by them, shall be furnished to each of such vessels, and shall at all times be kept posted up in conspicuous places in such vessels. (Aug. 19. 1890; Feb. 8, 1895; June 7, 1897, sec. 5.)

## PENALTY FOR VIOLATION BY PILOT, ENGINEER, MATE OR MASTER

R. S. 4413 (46 U. S. C. 381). Every pilot, engineer, mate, or master of any steam vessel who neglects or wilfully refuses to observe the regulations established in pursuance of the preceding section, shall be liable to a penalty of \$50, and for all damages sustained by any passenger, in his person or baggage, by such neglect or refusal. (June 7, 1897, sec. 5.)

## RIVER NAVIGATION

R. S. 4487 (46 U. S. C. 480). On any steamers navigating rivers only, when, from darkness, fog, or other cause, the pilot or watch shall be of opinion that the navigation is unsafe, or, from accident to or derangement of the machinery of the boat, the chief engineer shall be of the opinion that the further navigation of the vessel is unsafe, the vessel shall be brought to anchor or moored as soon as it can prudently be done: Provided, That if the person in command shall, after being so admonished by either of such officers, elect to pursue such voyage, he may do the same; but in such case both he and the owners of such steamer shall be answerable for all damages which shall arise to the person of any passenger, or his baggage, from such causes in so pursuing the voyage, and no degree of care or diligence shall in such case be held to justify or excuse the person in command, or the owners.

## Pilot Rules for the St. Marys River.

Mar. 6, 1896, sec. 1 (33 U. S. C. 474). The Secretary of Commerce is authorized and directed to adopt and prescribe suitable rules and regulations governing the movements of vessels and rafts in Saint Marys River from Point Iroquois, on Lake Superior, to Point Detour, on Lake Huron, and for the purpose of enforcing the observance of such regulations the Secretary of the Treasury is hereby authorized to detail one or more Coast Guard cutters for duty upon the request of the Secretary of Commerce on said river. (Apr. 26, 1906, sec. 2.)

## AUTHORITY OF OFFICERS OF COAST GUARD TO ENFORCE REGULATIONS

Mar. 6, 1896, sec. 2 (33 U. S. C. 474). All officers of the Coast Guard who are directed to enforce the regulations prescribed by the above rules are hereby empowered and directed, in case of necessity, or when a proper notice has been disregarded, to use the force at their command to remove from channels or stop any vessel found violating the prescribed rules.

# PENALTY FOR VIOLATION OF REGULATIONS BY OWNER, MASTER OR PERSON IN CHARGE

Mar. 6, 1896, sec. 3 (33 U.S. C. 474). In the event of the violation of any such regulations or rules of the Secretary of Commerce by

the owners, master, or person in charge of such vessel, such owners, masters, or person in charge shall be liable to a penalty not exceeding \$200: Provided, That the Secretary of Commerce may remit said fine on such terms as he may prescribe: Provided also, That nothing in this Act shall be construed to amend or repeal the Act entitled "An Act to regulate navigation on the Great Lakes and their connecting and tributary waters as far east as Montreal", approved February 8, 1895. (Apr. 26, 1906, sec. 2.)

Regattas and Marine Parades.

## ISSUANCE OF REGULATIONS

Apr. 28, 1908, sec. 1 (46 U. S. C. 454). The Secretary of Commerce is authorized and empowered in his discretion to issue from time to time regulations, not contrary to law, to promote the safety of life on navigable waters during regattas or marine parades.

## Enforcement of Regulations

Apr. 28, 1908, sec. 2 (46 U. S. C. 455). To enforce such regulations the Secretary of Commerce may detail any public vessel in the service of that Department and make use of any private vessel tendered gratuitously for the purpose, or upon the request of the Secretary of Commerce the head of any other Department may enforce the regulations issued under this Act by means of any public vessel of such Department and of any private vessel tendered gratuitously for the purpose.

# TRANSFER OF AUTHORITY & POWER OF SECRETARY OF COMMERCE TO ANOTHER DEPARTMENT WHERE DESIRABLE

Apr. 28, 1908, sec. 3 (46 U. S. C. 456). The authority and power bestowed upon the Secretary of Commerce by sections 1 and 2 may be transferred for any special occasion to the head of another Department by the President whenever in his judgment such transfer is desirable.

## PENALTIES

Apr. 28, 1908, sec. 4 (46 U.S. C. 457). For any violation of regulations issued pursuant to this Act the following penalties shall be incurred:

(a) A licensed officer shall be liable to suspension or revocation of license in the manner now prescribed by law for incompetency or misconduct.

(b) Any person in charge of the navigation of a vessel other than

a licensed officer shall be liable to a penalty of \$500.

(c) The owner of a vessel (including any corporate officer of a corporation owning the vessel) actually on board shall be liable to a penalty of \$500, unless the violation of regulations shall have occurred without his knowledge.

(d) Any other person shall be liable to a penalty of \$250.

The Secretary of Commerce is authorized and empowered to mitigate or remit any penalty herein provided for in the manner

prescribed by law for the mitigation or remission of penalties for violation of the navigation laws.

Application of Navigation and Shipping Laws to Aircraft.

Max 20, 1936, sec. 177a (49 U. S. C. 177a). The navigation and shipping laws of the United States, including any definition of "vessel" or "vehicle" found therein and including the rules for the prevention of collisions, shall not be construed to apply to seaplanes or other aircraft or to the navigation of vessels in relation to seaplanes or other aircraft.

Duty to Stay By.

SEPT. 4, 1890, sec. 1 (33 U. S. C. 367). In every case of collision between two vessels it shall be the duty of the master or person in charge of each vessel, if and so far as he can do so without serious danger to his own vessel, crew, and passengers (if any), to stay by the other vessel until he has ascertained that she has no need of further assistance, and to render to the other vessel, her master, crew, and passengers (if any), such assistance as may be practicable and as may be necessary in order to save them from any danger caused by the collision, and also to give to the master or person in charge of the other vessel the name of his own vessel and her port of registry, or the port or place to which she belongs, and also the name of the ports and places from which and to which she is bound. If he fails so to do, and no reasonable cause for such failure is shown, the collision shall, in the absence of proof to the contrary, be deemed to have been caused by his wrongful act, neglect, or default.

## PENALTY FOR FAILURE TO GIVE AID

SEPT. 4, 1890, sec. 2 (33 U. S. C. 368). Every master or person in charge of a United States vessel who fails, without reasonable cause, to render such assistance or give such information as aforesaid [sec. 367] shall be deemed guilty of a misdemeanor, and shall be liable to a penalty of \$1,000, or imprisonment for a term not exceeding two years; and for the above sum the vessel shall be liable and may be seized and proceeded against by process in any district court of the United States by any person; one-half such sum to be payable to the informer and other half to the United States.

## Chapter XXXIII.—GENERAL PILOT LAWS

## State Regulation of Pilots.

R. S. 4235 (46 U. S. C. 211). Until further provision is made by Congress, all pilots in the bays, inlets, rivers, harbors, and ports of the United States shall continue to be regulated in conformity with the existing laws of the States respectively wherein such pilots may be, or with such laws as the States may respectively enact for the purpose.

## Pilots on Boundaries Between States.

R. S. 4236 (46 U. S. C. 212). The master of any vessel coming into or going out of any port situate upon waters which are the boundary between two States, may employ any pilot duly licensed or authorized by the laws of either of the States bounded on such waters, to pilot the vessel to or from such port.

## Discrimination in Pilot Rates Not Allowed.

R. S. 4237 (46 U. S. C. 213). No regulations or provisions shall be adopted by any State which shall make any discrimination in the rate of pilotage or half pilotage between vessels sailing between the ports of one State and vessels sailing between the ports of different States, or any discrimination against vessels propelled in whole or in part by steam, or against national vessels of the United States; and all existing regulations or provisions making any such discrimination are annulled and abrogated.

# State Regulations as to Licenses of Pilots of Steam Vessels and Pilot Charges.

R. S. 4444 (46 U. S. C. 215). No State or municipal government shall impose upon pilots of steam vessels any obligation to procure a State or other license in addition to that issued by the United States, or any other regulation which will impede such pilots in the performance of the duties required by this Title [R. S. 4399-4500]; nor shall any pilot charges be levied by any such authority upon any steamer piloted as provided by this Title; and in no case shall the fees charged for the pilotage of any steam vessel exceed the customary or legally established rates in the State where the same is performed. Nothing in this Title shall be construed to annul or affect any regulation established by the laws of any State, requiring vessels entering or leaving a port in any such State, other than coastwise steam vessels, to take a pilot duly licensed or authorized by the laws of such State, or of a State situate upon the waters of such State.

# Vessels Navigating Coastwise and Great Lakes.

R. S. 4401 (46 U. S. C. 364). All coastwise seagoing vessels, and vessels navigating the great lakes, shall be subject to the navigation laws of the United States, when navigating within the jurisdiction thereof; and all vessels propelled in whole or in part by steam, and

navigating as aforesaid, shall be subject to all the rules and regulations established in pursuance of law for the government of steam vessels in passing, as provided by this Title [R. S. 4399-4500]; and every coastwise seagoing steam vessel subject to the navigation laws of the United States, and to the rules and regulations aforesaid, not sailing under register, shall, when under way, except on the high seas, be under the control and direction of pilots licensed by the inspectors of steamboats.

## Chapter XXXIV.—AIDS TO NAVIGATION

Storm and Weather Signals.

Oct. 1, 1890, sec. 3 (15 U. S. C. 313). The Chief of the Weather Bureau, under the direction of the Secretary of Agriculture, shall have charge of the forecasting of weather, the issue of storm warnings, the display of weather and flood signals for the benefit of agriculture, commerce, and navigation, the gauging and reporting of rivers, the maintenance and operation of seacoast telegraph lines and the collection and transmission of marine intelligence for the benefit of commerce and navigation, the reporting of temperature and rainfall conditions for the cotton interests, the display of frost and coldwave signals, the distribution of meteorological information in the interests of agriculture and commerce, and the taking of such meteorological observations as may be necessary to establish and record the climatic conditions of the United States, or as are essential for the proper execution of the foregoing duties. (June 23, 1938, sec. 1107k.)

Private Signals.

May 28, 1908, sec. 7 (46 U. S. C. 49). If a shipowner desires to use for the purpose of a private code any rockets, lights, or other similar signals, he may register those signals and house flags and funnel marks with the Director of the Bureau of Marine Inspection and Navigation, who shall give public notice from time to time of the signals, house flags, and funnel marks so registered in such manner as he may think requisite for preventing those signals from being mistaken for signals of distress or signals for pilots. The Director of the Bureau of Marine Inspection and Navigation may refuse to register any signals which in his opinion cannot easily be distinguished from signals of distress, signals for pilots, or signals prescribed by laws for preventing collisions. (June 30, 1932, sec. 501; May 27, 1936, sec. 1.)

Interference With Range Lights.

May 14, 1908, sec. 6 (33 U. S. C. 761). It shall be unlawful for any person to obstruct or interfere with any aid to navigation established or maintained in the Lighthouse Service under the Coast Guard, or to anchor any vessel in any of the navigable waters of the United States so as to obstruct or interfere with range lights maintained therein, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor and be subject to a fine not exceeding the sum of \$500 for each offense, and each day during which such violation shall continue shall be considered as a new offense.

Mar. 3, 1915, sec. 8 (33 U. S. C. 762). The penalties provided in section 6 of the Act of May 14, 1908, for obstruction to or interference with any aid to navigation maintained by the Lighthouse Service

shall apply with equal force and effect to any private aid to navigation lawfully maintained under the authority granted the Secretary of Commerce and the Commandant of Coast Guard by section 3 of the Act of June 20, 1906.

Note.—Pursuant to Executive Order issued under authority of Reorganization Act, 1939, Bureau of Lighthouses was transfered to Coast Guard.

## Exemption From Tolls.

July 5, 1884, sec. 4 (33 U.S. C. 5). No tolls or operating charges whatever shall be levied upon or collected from any vessel, dredge. or other water craft for passing through any lock, canal, canalized river, or other work for the use and benefit of navigation, now belonging to the United States or that may be hereafter acquired or constructed; and for the purpose of preserving and continuing the use and navigation of said canals and other public works without interruption, the Secretary of War, upon the recommendation of the Chief of Engineers, United States Army, is hereby authorized to draw his warrant or requisition, from time to time, upon the Secretary of the Treasury to pay the actual expenses of operating, maintaining, and keeping said works in repair, which warrants or requisitions shall be paid by the Secretary of the Treasury out of any money in the Treasury not otherwise appropriated: Provided, That whenever, in the judgment of the Secretary of War, the condition of any of the aforesaid works is such that its entire reconstruction is absolutely essential to its efficient and economical maintenance and operation as herein provided for, the reconstruction thereof may include such modifications in plan and location as may be necessary to provide adequate facilities for existing navigation: Provided further, That the modifications are necessary to make the reconstructed work conform to similar works previously authorized by Congress and forming a part of the same improvement, and that such modifications shall be considered and approved by the Board of Engineers for Rivers and Harbors and be recommended by the Chief of Engineers before the work of reconstruction is commenced: Provided further, also, That an itemized statement of said expenses shall accompany the annual report of the Chief of Engineers: And provided further, That nothing herein contained shall be held to apply to the Panama Canal. (Mar. 3, 1909, sec. 6.)

## Anchorage Grounds.

Mar. 4, 1915, sec. 7 (33 U. S. C. 471). The Secretary of War is hereby authorized, empowered, and directed to define and establish anchorage grounds for vessels in all harbors, rivers, bays, and other navigable waters of the United States whenever it is manifest to the said Secretary that the maritime or commercial interests of the United States require such anchorage grounds for safe navigation and the establishment of such anchorage grounds shall have been recommended by the Chief of Engineers, and to adopt suitable rules and regulations in relation thereto; and such rules and regulations shall be enforced by the Coast Guard under the direction of the Secretary of the Treasury: Provided, That at ports or places where there is no Coast Guard cutter available such rules and regulations may be enforced by the Chief of Engineers under the direction of the

Secretary of War. In the event of the violation of any such rules and regulations by the owner, master, or person in charge of any vessel, such owner, master, or person in charge of such vessel shall be liable to a penalty of \$100; and the said vessel may be holden for the payment of such penalty, and may be seized and proceeded against summarily by libel for the recovery of the same in any United States district court for the district within which such vessel may be and in the name of the officer designated by the Secretary of War.

Sept. 15, 1922 (33 U.S. C. 472). Hereafter the Commissioner of Lighthouses shall provide, establish, and maintain, out of the annual appropriations for the Lighthouse Service, buoys or other suitable marks for marking anchorage grounds for vessels in waters of the United States, when such anchorage grounds have been defined and established by proper authority in accordance with the laws of the

United States.

## Chapter XXXV .-- OBSTRUCTIONS TO NAVIGATION

Improvements by Private or Municipal Corporations.

June 13, 1902, sec. 1 (33 U. S. C. 565). Any person or persons, corporations, municipal or private, who desire to improve any navigable river, or any part thereof, at their or its own expense and risk may do so upon the approval of the plans and specifications of said proposed improvement by the Secretary of War and Chief of Engineers of the Army. The plan of said improvement must conform with the general plan of the Government improvements, must not impede navigation, and no toll shall be imposed on account thereof, and said improvement shall at all times be under the control and supervision of the Secretary of War and Chief of Engineers.

Bridges, Dams, and Dikes.

Mar. 23, 1906, sec. 1 (33 U. S. C. 491). When, after March 23, 1906, authority is granted by Congress to any person to construct and maintain a bridge across or over any of the navigable waters of the United States, such bridge shall not be built or commenced until the plans and specifications for its construction, together with such drawings of the proposed construction and such map of the proposed location as may be required for a full understanding of the subject, have been submitted to the Secretary of War and Chief of Engineers for their approval, nor until they shall have approved such plans and specifications and the location of such bridge and accessory works; and when the plans for any bridge to be constructed under the provisions of this Act have been approved by the Chief of Engineers and by the Secretary of War it shall not be lawful to deviate from such plans, either before or after completion of the structure, unless the modification of such plans has previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War.

Mar. 23, 1906, sec. 4 (33 U. S. C. 494). No bridge erected or maintained under the provision of this Act shall at any time unreasonably obstruct the free navigation of the waters over which it is constructed, and if any bridge erected in accordance with the provisions of this Act shall, in the opinion of the Secretary of War, at any time unreasonably obstruct such navigation, either on account of insufficient height, width of span, or otherwise, or if there be difficulty in passing the draw opening or the draw span of such bridge by rafts, steamboats, or other water craft, it shall be the duty of the Secretary of War, after giving the parties interested reasonable opportunity to be heard, to notify the persons owning or controlling such bridge to so alter the same as to render navigation through or under it reasonably free, easy, and unobstructed, stating in such notice the changes required to be made, and prescribing in each case a reasonable time in which to make such changes, and if at the end of the time so specified the changes so required have not

been made, the persons owning or controlling such bridge shall be deemed guilty of a violation of this Act; and all such alterations shall be made and all such obstructions shall be removed at the expense of the persons owning or operating said bridge. The persons owning or operating any such bridge shall maintain, at their own expense, such lights and other signals thereon as the Secretary of Commerce shall prescribe. If the bridge shall be constructed with a draw, then the draw shall be opened promptly by the persons owning or operating such bridge upon reasonable signal for the passage of boats and other water craft. If tolls shall be charged for the transit over any bridge constructed under the provisions of this Act, of engines, cars, street cars, wagons, carriages, vehicles, animals, foot passengers, or other passengers, such tolls shall be reasonable and just, and the Secretary of War may, at any time, and from time to time, prescribe the reasonable rates of toll for such transit over such bridge, and the rates so prescribed shall be the legal rates and shall be the rates demanded and received for such transit.

Mar. 23, 1906, sec. 5 (33 U. S. C. 495). Any persons who shall fail or refuse to comply with the lawful order of the Secretary of War or the Chief of Engineers, made in accordance with the provisions of this Act, shall be deemed guilty of a violation of this Act, and any persons who shall be guilty of a violation of this Act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished in any court of competent jurisdiction by a fine not exceeding \$5,000, and every month such persons shall remain in default shall be deemed a new offense and subject such persons to additional penalties therefor; and in addition to the penalties above described the Secretary of War and the Chief of Engineers may, upon refusal of the persons owning or controlling any such bridge and accessory works to comply with any lawful order issued by the Secretary of War or Chief of Engineers in regard thereto, cause the removal of such bridge and accessory works at the expense of the persons owning or controlling such bridge, and suit for such expense may be brought in the name of the United States against such persons, and recovery had for such expense in any court of competent jurisdiction; and the removal of any structures erected or maintained in violation of the provisions of this Act or the order or direction of the Secretary of War or Chief of Engineers made in pursuance thereof may be enforced by injunction, mandamus, or other summary process, upon application to the district court in the district in which such structure may, in whole or in part, exist, and proper proceedings to this end may be instituted under the direction of the Attorney General of the United States at the request of the Secretary of War; and in case of any litigation arising from any obstruction or alleged obstruction to navigation created by the construction of any bridge under this Act, the cause or question arising may be tried before the district court of the United States in any district which any portion of said obstruction or bridge touches.

MAR. 3, 1899, sec. 9 (33 U. S. C. 401). It shall not be lawful to construct or commence the construction of any bridge, dam, dike, or causeway over or in any port, roadstead, haven, harbor, canal,

navigable river, or other navigable water of the United States until the consent of Congress to the building of such structures shall have been obtained and until the plans for the same shall have been submitted to and approved by the Chief of Engineers and by the Secretary of War: Provided, That such structures may be built under authority of the legislature of a State across rivers and other waterways the navigable portions of which lie wholly within the limits of a single State, provided the location and plans thereof are submitted to and approved by the Chief of Engineers and by the Secretary of War before construction is commenced: And provided further, That when plans for any bridge or other structure have been approved by the Chief of Engineers and by the Secretary of War, it shall not be lawful to deviate from such plans either before or after completion of the structure unless the modification of said plans has previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War.

## General Obstructions.

Mar. 3, 1899, sec. 10 (33 U. S. C. 403). The creation of any obstuction not affirmatively authorized by Congress, to the navigable capacity of any of the waters of the United States is hereby prohibited; and it shall not be lawful to build or commence the building of any wharf, pier, dolphin, boom, weir, breakwater, bulkhead, jetty, or other structures in any port, roadstead, haven, harbor, canal, navigable river, or other water of the United States, outside established harbor lines, or where no harbor lines have been established, except on plans recommended by the Chief of Engineers and authorized by the Secretary of War; and it shall not be lawful to excavate or fill, or in any manner to alter or modify the course, location, condition, or capacity of, any port, roadstead, haven, harbor, canal, lake, harbor of refuge, or inclosure within the limits of any breakwater, or of the channel of any navigable water of the United States, unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of War prior to beginning the same.

#### Harbor Lines.

Mar. 3, 1899, sec. 11 (33 U. S. C. 404). Where it is made manifest to the Secretary of War that the establishment of harbor lines is essential to the preservation and protection of harbors he may, and is hereby, authorized to cause such lines to be established, beyond which no piers, wharves, bulkheads, or other works shall be extended or deposits made, except under such regulations as may be prescribed from time to time by him: Provided, That whenever the Secretary of War grants to any person or persons permission to extend piers, wharves, bulkheads, or other works, or to make deposits in any tidal harbor or river of the United States beyond any harbor lines established under authority of the United States, he shall cause to be ascertained the amount of tide water displaced by any such structure or by any such deposits, and he shall, if he deem it necessary, require the parties to whom the permission is given to make compensation for such displacement either by excavating in some part of the harbor, including tidewater channels between high

and low water marks, to such an extent as to create a basin for as much tidewater as may be displaced by such structure or by such deposits, or in any other mode that may be satisfactory to him. Penalties.

Mar. 3, 1899, sec. 12 (33 U. S. C. 406). Every person and every corporation that shall violate any of the provisions of sections 9, 10, and 11 of this Act, or any rule or regulation made by the Secretary of War in pursuance of the provisions of the said section 11, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding \$2,500 nor less than \$500, or by imprisonment (in the case of a natural person) not exceeding one year, or by both such punishments, in the discretion of the court. And further, the removal of any structures or parts of structures erected in violation of the provisions of the said sections may be enforced by the injunction of any district court exercising jurisdiction in any district in which such structures may exist, and proper proceedings to this end may be instituted under the direction of the Attorney General of the United States.

## Dumping into Navigable Waters.

MAR. 3, 1899, sec. 13 (33 U. S. C. 407). It shall not be lawful to throw, discharge, or deposit, or cause, suffer, or procure to be thrown, discharged, or deposited either from or out of any ship, barge, or other floating craft of any kind, or from the shore, wharf, manufacturing establishment, or mill of any kind, any refuse matter of any kind or description whatever other than that flowing from streets and sewers and passing therefrom in a liquid state, into any navigable water of the United States, or into any tributary of any navigable water from which the same shall float or be washed into such navigable water; and it shall not be lawful to deposit, or cause, suffer, or procure to be deposited material of any kind in any place on the bank of any navigable water, or on the bank of any tributary of any navigable water, where the same shall be liable to be washed into such navigable water, either by ordinary or high tides, or by storms or floods, or otherwise, whereby navigation shall or may be impeded or obstructed: Provided, That nothing herein contained shall extend to, apply to, or prohibit the operations in connection with the improvement of navigable waters or construction of public works, considered necessary and proper by the United States officers supervising such improvement or public work: And provided further, That the Secretary of War, whenever in the judgment of the Chief of Engineers anchorage and navigation will not be injured thereby, may permit the deposit of any material above mentioned in navigable waters, within limits to be defined and under conditions to be prescribed by him, provided application is made to him prior to depositing such material; and whenever any permit is so granted the conditions thereof shall be strictly complied with, and any violation thereof shall be unlawful.

Mar. 3, 1905, sec. 4 (33 U. S. C. 419). The Secretary of War is hereby authorized and empowered to prescribe regulations to govern the transportation and dumping into any navigable water, or waters adjacent thereto, of dredgings, earth, garbage, and other refuse

materials of every kind or description, whenever in his judgment such regulations are required in the interest of navigation. regulations shall be posted in conspicuous and appropriate places for the information of the public; and every person or corporation which shall violate the said regulations, or any of them, shall be deemed guilty of a misdemeanor and shall be subject to the penalties prescribed in section 16 of the river and harbor Act of March 3, 1899, for violation of the provisions of section 13 of the said Act: Provided, That any regulations made in pursuance hereof may be enforced as provided in section 17 of the aforesaid Act of March 3, 1899, the provisions whereof are hereby made applicable to the said regulations: Provided further, That this section shall not apply to any waters within the jurisdictional boundaries of any State which are now or may hereafter be used for the cultivation of ovsters under the laws of such State, except navigable channels which have been or may hereafter be improved by the United States, or to be design nated as navigable channels by competent authority, and in making such improvements of channels, the material dredged shall not be deposited upon any ground in use in accordance with the laws of such State for the cultivation of oysters, except in compliance with said laws: And provided further, That any expense necessary in executing this section may be paid from funds available for the improvement of the harbor or waterway, for which regulations may be prescribed, and in case no such funds are available the said expense may be paid from appropriations made by Congress for examinations, surveys, and contingencies of rivers and harbors.

June 23, 1910 (33 U.S. C. 421). It shall not be lawful to throw, discharge, dump, or deposit, or cause, suffer, or procure, to be thrown, discharged, dumped, or deposited, any refuse matter of any kind or description whatever other than that flowing from streets and sewers and passing therefrom in a liquid state into Lake Michigan, at any point opposite or in front of the county of Cook, in the State of Illinois, or the county of Lake in the State of Indiana, within eight miles from the shore of said lake, unless said material shall be placed inside of a breakwater so arranged as not to permit the escape of such refuse material into the body of the lake and cause contamination thereof; and no officer of the Government shall dump or cause or authorize to be dumped any material contrary to the provisions of this Act; Provided, however, That the provisions of this Act shall not apply to work in connection with the construction, repair, and protection of breakwaters and other structures built in aid of navigation, or for the purpose of obtaining water supply. Any person violating any provision of this Act shall be guilty of a misdemeanor, and on conviction thereof shall be fined for each offense not exceeding

\$1,000.

## Oil Pollution Act.

## DEFINITIONS

JUNE 7, 1924, sec. 2 (33 U. S. C. 432). When used in the "Oil Pollution Act, 1924", unless the context otherwise requires—

(a) The term "oil" means oil of any kind or in any form, includ-

ing fuel oil, oil sludge, and oil refuse;

(b) The term "person" means an individual, partnership, corporation, or association; any owner, master, officer, or employee of a vessel; and any officer, agent, or employee of the United States;

(c) The term "coastal navigable waters of the United States" means all portions of the sea within the territorial jurisdiction of the United States, and all inland waters navigable in fact in which the tide ebbs and flows;

(d) The term "Secretary" means the Secretary of War.

## PROHIBITION AGAINST DISCHARGE OF OIL GENERALLY

June 7, 1924, sec. 3 (33 U. S. C. 433). Except in case of emergency imperiling life or property, or unavoidable accident, collision, or stranding, and except as otherwise permitted by regulations prescribed by the Secretary as hereinafter authorized, it shall be unlawful for any person to discharge, or suffer, or permit the discharge of oil by any method, means, or manner into or upon the coastal navigable waters of the United States from any vessel using oil as fuel for the generation of propulsion power, or any vessel carrying or having oil thereon in excess of that necessary for its lubricating requirements and such as may be required under the laws of the United States and the rules and regulations prescribed thereunder. The Secretary is authorized and empowered to prescribe regulations permitting the discharge of oil from vessels in such quantities, under such conditions, and at such times and places as in his opinion will not be deleterious to health or sea food, or a menace to navigation, or dangerous to persons or property engaged in commerce on such waters, and for the loading, handling, and unloading of oil.

# PENALTIES FOR VIOLATION; LIABILITY OF VESSEL

June 7, 1924, sec. 4 (33 U. S. C. 434). Any person who violates section 3 of this Act, or any regulation prescribed in pursuance thereof, is guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding \$2,500, nor less than \$500, or by imprisonment not exceeding one year nor less than thirty days, or by both such fine and imprisonment, for each offense. And any vessel (other than a vessel owned and operated by the United States) from which oil is discharged in violation of section 3 of this Act, or any regulation prescribed in pursuance thereof, shall be liable for the precuniary penalty specified in this section, and clearance of such vessel from a port of the United States may be withheld until the penalty is paid, and said penalty shall constitute a lien on such vessel which may be recovered in proceedings by libel in rem in the district court of the United States for any district within which the vessel may be.

# REVOCATION OR SUSPENSION OF LICENSES OF OFFICERS OF OFFENDING VESSELS

JUNE 7, 1924, sec. 5 (33 U.S. C. 435). A board of local inspectors of vessels may, subject to the provisions of section 4450 of the Re-

vised Statutes, and of the Act entitled "An Act to provide for appeals from decisions of local inspectors of vessels, and for other purposes", approved June 10, 1918, suspend or revoke a license issued by any such board to the master or other licensed officer of any vessel found violating the provisions of section 3 of this Act.

# Enforcement Personnel; Arrest of Offenders; Procedure

June 7, 1924, sec. 7 (33 U.S. C. 436). In the administration of this Act the Secretary may make use of the organization, equipment, and agencies, including engineering, clerical, and other personnel, employed under his direction in the improvement of rivers and harbors, and in the enforcement of existing laws for the preservation and protection of navigable waters. And for the better enforcement of the provisions of this Act, the officers and agents of the United States in charge of river and harbor improvements, and the assistant engineers and inspectors employed under them by authority of the Secretary, and officers of the Customs and Coast Guard Service of the United States, shall have power and authority and it shall be their duty to swear out process and to arrest and take into custody, with or without process, any person who may violate any of said provisions: *Provided*, That no person shall be arrested without process for a violation not committed in the presence of some one of the aforesaid officials: And provided further, That whenever any arrest is made under the provisions of this Act the person so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examinations of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in cases of crimes against the United States.

## OTHER STATUTES UNAFFECTED

June 7, 1924, sec. 8 (33 U.S. C. 437). This Act shall be in addition to the existing laws for the preservation and protection of navigable waters and shall not be construed as repealing, modifying, or in any manner affecting the provision of those laws.

# Impairing Public Works.

Mar. 3, 1899, sec. 14 (33 U. S. C. 408). It shall not be lawful for any person or persons to take possession of or make use of for any purpose, or build upon, alter, deface, destroy, move, injure, obstruct by fastening vessels thereto or otherwise, or in any manner whatever impair the usefulness of any sea wall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the United States, or any piece of plant, floating or otherwise, used in the construction of such work under the control of the United States, in whole or in part, for the preservation and improvement of any of its navigable waters or to prevent floods, or as boundary marks, tide gauges, surveying stations, buoys, or other established marks, nor remove for ballast or other purposes any stone or other material composing such works: Provided, That the Secretary of War may, on the recommendation of the Chief of Engineers, grant permission for the temporary occu-

pation or use of any of the aforementioned public works when in his judgment such occupation or use will not be injurious to the public interest.

Obstructing Channels.

MAR. 3, 1899, sec. 15 (33 U. S. C. 409). It shall not be lawful to tie up or anchor vessels or other craft in navigable channels in such a manner as to prevent or obstruct the passage of other vessels or craft; or to voluntarily or carelessly sink, or permit or cause to be sunk, vessels or other craft in navigable channels; or to float loose timber and logs, or to float what is known as sack rafts of timber and logs in streams or channels actually navigated by steamboats in such manner as to obstruct, impede, or endanger navigation. And whenever a vessel, raft, or other craft is wrecked and sunk in a navigable channel, accidentally or otherwise, it shall be the duty of the owner of such sunken craft to immediately mark it with a buoy or beacon during the day and a lighted lantern at night, and to maintain such marks until the sunken craft is removed or abandoned, and the neglect or failure of the said owner so to do shall be unlawful; and it shall be the duty of the owner of such sunken craft to commence the immediate removal of the same, and prosecute such removal diligently, and failure to do so shall be considered as an abandonment of such craft, and subject the same to removal by the United States as hereinafter provided for.

Log Regulations.

May 9, 1900, sec. 1 (33 U. S. C. 410). The prohibition contained in the preceding section [33 U. S. C. 409] against floating loose timber and logs, or sack rafts, so called, of timber and logs in streams or channels actually navigated by steamboats, shall not apply to any navigable river or waterway of the United States or any part thereof whereon the floating of loose timber and logs and sack rafts of timber and logs is the principal method of navigation. But such method of navigation on such river or waterway or part thereof shall be subject to the rules and regulations pre-

scribed by the Secretary of War as hereinafter provided.

May 9, 1900, sec. 2 (33 U. S. C. 410). The Secretary of War shall have power, and he is hereby authorized and directed, within the shortest practicable time after the passage hereof, to prescribe rules and regulations, which he may at any time modify, to govern and regulate the floating of loose timber and logs, and sack rafts (so called) of timber and logs and other methods of navigation on the streams and waterways, or any thereof, of the character, as to navigation, in section 1 hereof described. The said rules and regulations shall be so framed as to equitably adjust conflicting interests between the different methods or forms of navigation; and the said rules and regulations shall be published at least once in such newspaper or newspapers of general circulation as in the opinion of the Secretary of War shall be best adapted to give notice of said rules and regulations to persons affected thereby and locally interested therein. And all modifications of said rules and regulations when so prescribed and published as to any such stream or water-

way shall have the force of law, and any violation thereof shall be a misdemeanor, and every person convicted of such violation shall be punished by a fine of not exceeding \$2,500 nor less than \$500, or by imprisonment (in case of a natural person) for not less than thirty days nor more than one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That the proper action to enforce the provisions of this section may be commenced before any commissioner, judge, or court of the United States, and such commissioner, judge or court shall proceed in respect thereto as authorized by law in the case of crimes or misdemeanors committed against the United States.

#### Penalties.

MAR. 3, 1899, sec. 16 (33 U. S. C. 411 and 412). Every person and every corporation that shall violate, or that shall knowingly aid, abet, authorize, or instigate a violation of the provisions of sections 13, 14, and 15 of this Act shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding \$2,500 nor less than \$500, or by imprisonment (in the case of a natural person) for not less than thirty days nor more than one year, or by both such fine and imprisonment, in the discretion of the court, one-half of said fine to be paid to the person or persons giving information which shall lead to conviction. And any and . every master, pilot, and engineer, or person or persons acting in such capacity, respectively, on board of any boat or vessel who shall knowingly engage in towing any scow, boat, or vessel loaded with any material specified in section 13 of this Act to any point or place of deposit or discharge in any harbor or navigable water, elsewhere than within the limits defined and permitted by the Secretary of War, or who shall willfully injure or destroy any work of the United States contemplated in section 14 of this Act, or who shall willfully obstruct the channel of any waterway in the manner contemplated in section 15 of this Act, shall be deemed guilty of a violation of this Act, and shall upon conviction be punished as hereinbefore provided in this section, and shall also have his license revoked or suspended for a term to be fixed by the judge before whom tried and convicted. And any boat, vessel, scow, raft, or other craft used or employed in violating any of the provisions of sections 13, 14, and 15 of this Act shall be liable for the pecuniary penalties specified in this section, and in addition thereto for the amount of the damages done by said boat, vessel, scow, raft, or other craft, which latter sum shall be placed to the credit of the appropriation for the improvement of the harbor or waterway in which the damage occurred, and said boat, vessel, scow, raft, or other craft may be proceeded against summarily by way of libel in any district court

of the United States having jurisdiction thereof.

MAR. 3, 1899, sec. 17 (33 U. S. C. 413). The Department of Justice shall conduct the legal proceedings necessary to enforce the foregoing provisions of sections 9 to 16, inclusive, of this Act; and it shall be the duty of district attorneys of the United States to vigorously prosecute all offenders against the same whenever requested to do so by the Secretary of War or by any of the officials hereinafter designation.

nated, and it shall furthermore be the duty of said district attorneys to report to the Attorney General of the United States the action taken by him against offenders so reported, and a transcript of such reports shall be transmitted to the Secretary of War by the Attorney General; and for the better enforcement of the said provisions and to facilitate the detection and bringing to punishment of such offenders, the officers and agents of the United States in charge of river and harbor improvements, and the assistant engineers and inspectors employed under them by authority of the Secretary of War, and the United States collectors of customs and other revenue officers, shall have power and authority to swear out process and to arrest and take into custody, with or without process, any person or persons who may commit any of the acts or offenses prohibited by the aforesaid sections of this Act, or who may violate any of the provisions of the same: Provided, That no person shall be arrested without process for any offense not committed in the presence of some one of the aforesaid officials: And provided further, That whenever any arrest is made under the provisions of this Act, the person so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States.

### Bridge Spans.

MAR. 3, 1899, sec. 18 (33 U. S. C. 502). Whenever the Secretary of. War shall have good reason to believe that any railroad or other bridge now constructed, or which may hereafter be constructed, over any of the navigable waterways of the United States is an unreasonable obstruction to the free navigation of such waters on account of insufficient height, width of span, or otherwise, or where there is difficulty in passing the draw opening or the draw span of such. bridge by rafts, steamboats, or other water craft, it shall be the duty of the said Secretary, first giving the parties reasonabel opportunity to be heard, to give notice to the persons or corporations owning or controlling such bridge so to alter the same as to render navigation through or under it reasonably free, easy, and unobstructed; and in giving such notice he shall specify the changes recommended by the Chief of Engineers that are required to be made, and shall prescribe in each case a reasonable time in which to make them. If at the end of such time the alteration has not been made, the Secretary of War shall forthwith notify the United States district attorney for the district in which such bridge is situated, to the end that the crminal proceedings hereinafter mentioned may be taken. If the persons, corporation, or association owning or controlling any railroad or other bridge shall, after receiving notice to that effect, as hereinbefore required, from the Secretary of War, and within the time prescribed by him willfully fail or refuse to remove the same or to comply with the lawful order of the Secretary of War in the premises, such persons, corporation, or association shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding \$5,000, and every month such persons, corporation, or association shall remain in default in respect to the removal or alteration of such bridge shall be deemed a new offense, and subject the persons, corporation, or association so offending to the penalties above prescribed: *Provided*, That in any case arising under the provisions of this section an appeal may be taken from the district courts or from the existing district courts direct to the Supreme Court either by the United States or by the defendants. (Jan. 31, 1928.)

Application Act to Virgin Islands.

JULY 1, 1932 (48 U. S. C. 1399). The provisions of sections 9 to 18, inclusive, of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March 3, 1899, are hereby made applicable to the Virgin Islands and the navigable waters thereof.

Sec. 2. That violations of the provisions of this Act may be prosecuted in the District Court of the Virgin Islands of the United States, and jurisdiction is hereby vested in said court to try and determine such causes.

## Bridge Piers and Abutments.

Aug. 11, 1888, sec. 2 (33 U. S. C. 500). Whenever complaint shall be made to the Secretary of War that by reason of the placing in any navigable waters of the United States of any bridge pier or abutment, the current of such waters has been so deflected from its natural course as to cause by producing caving of banks or otherwise serious damage or danger to property, it shall be his duty to make inquiry, and if it shall be ascertained that the complaint is well founded, he shall cause the owners or persons operating such bridge to repair such damage or prevent such danger to property by such means as he shall indicate and within such time as he may name, and in default thereof the owners or persons operating such bridge shall be liable in any court of competent jurisdiction to the person injured in a sum double the amount of said injury. \* \* \*

## Drawbridges.

Aug. 18, 1894, sec. 5 (33 U.S. C. 499). It shall be the duty of all persons owning, operating, and tending the drawbridges now built, or which may hereafter be built across the navigable rivers and other waters of the United States, to open, or cause to be opened, the draws of such bridges under such rules and regulations as in the opinion of the Secretary of War the public interests require to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law. Every such person who shall wilfully fail or refuse to open, or cause to be opened, the draw of any such bridge for the passage of a boat or boats, or who shall unreasonably delay the opening of said draw after reasonable signal shall have been given, as provided in such regulations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than \$2,000 nor less than \$1,000, or by imprisonment (in the case of a natural person) for not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: Provided, That the proper action to enforce the provisions of this section may be commenced before any commissioner, judge, or court of the United States, and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States: Provided further, That whenever, in the opinion of the Secretary of War, the public interests require it, he may make rules and regulations to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law, and any violation thereof shall be punished as hereinbefore provided: \* \* \* (June 13, 1902, sec. 6.)

#### Sunken Wrecks.

Mar. 3, 1899, sec. 19 (33 U.S. C. 414). Whenever the navigation of any river, lake, harbor, sound, bay, canal, or other navigable waters of the United States shall be obstructed or endangered by any sunken vessel, boat, water craft, raft, or other similar obstruction, and such obstruction has existed for a longer period than thirty days, or whenever the abandonment of such obstruction can be legally established in a less space of time, the sunken vessel, boat, water craft, raft, or other obstruction shall be subject to be broken up, removed, sold, or otherwise disposed of by the Secretary of War at his discretion, without liability for any damage to the owners of the same: Provided, That in his discretion, the Secretary of War may cause reasonable notice of such obstruction of not less than thirty days, unless the legal abandonment of the obstruction can be established in a less time, to be given by publication, addressed "To whom it may concern", in a newspaper published nearest to the locality of the obstruction, requiring the removal thereof: And provided also, That the Secretary of War may, in his discretion, at or after the time of giving such notice, cause sealed proposals to be solicited by public advertisement, giving reasonable notice of not less than ten days, for the removal of such obstruction as soon as possible after the expiration of the above specified thirty days' notice, in case it has not in the meantime been so removed, these proposals and contracts, at his discretion, to be conditioned that such vessel, boat, water craft, raft, or other obstruction, and all cargo and property contained therein, shall become the property of the contractor, and the contract shall be awarded to the bidder making the proposition most advantageous to the United States: Provided, That such bidder shall give satisfactory security to execute the work: Provided further, That any money received from the sale of any such wreck, or from any contractor for the removal of wrecks, under this paragraph shall be covered into the Treasury of the United States.

Mar. 3, 1899, sec. 20 (33 U.S. C. 415, 416). Under emergency, in the case of any vessel, boat, water craft, or raft, or other similar obstruction, sinking or grounding, or being unnecessarily delayed in any Government canal or lock, or in any navigable waters mentioned in section nineteen, in such manner as to stop, seriously interfere with, or specially endanger navigation, in the opinion of the Secretary of War, or any agent of the United States to whom the Secretary may delegate proper authority, the Secretary of War or any such agent shall have the right to take immediate possession of such boat, vessel, or other water craft, or raft, so far as to remove or to destroy it and to clear immediately the canal, lock, or navigable waters aforesaid of the obstruction thereby caused, using his best judgment to prevent

any unnecessary injury; and no one shall interfere with or prevent such removal or destruction: *Provided*, That the officer or agent charged with the removal or destruction of an obstruction under this section may in his discretion give notice in writing to the owners of any such obstruction requiring them to remove it: *And provided further*, That the expense of removing any such obstruction as aforesaid shall be a charge against such craft and cargo; and if the owners thereof fail or refuse to reimburse the United States for such expense within thirty days after notification, then the officer or agent aforesaid may sell the craft or cargo, or any part thereof that may not have been destroyed in removal, and the proceeds of such sale shall be covered into the Treasury of the United States.

Such sum of money as may be necessary to execute this section and the preceding section of this Act is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be paid

out on the requisition of the Secretary of War.

## Speed of Vessels; Navigation of Canals.

Aug. 18, 1894, sec. 4 (33 U. S. C. 1). It shall be the duty of the Secretary of War to prescribe such regulations for the use, administration, and navigation of the navigable waters of the United States as in his judgment the public necessity may require for the protection of life and property, or of operations of the United States in channel improvement, covering all matters not specifically delegated by law to some other executive department. Such regulations shall be posted, in conspicuous and appropriate places, for the information of the public; and every person and every corporation which shall violate such regulations shall be deemed guilty of a misdemeanor and, on conviction thereof in any district court of the United States within whose territorial jurisdiction such offense may have been committed, shall be punished by a fine not exceeding \$500, or by imprisonment (in the case of a natural person) not exceeding six months, in the discretion of the court. (June 13, 1902, sec. 11; Aug. 8, 1917, sec. 7.)

July 9, 1918, sec. 1 (33 U.S. C. 3). In the interest of the national defense, and for the better protection of life and property on the navigable waters of the United States, the Secretary of War is hereby authorized and empowered to prescribe such regulations as he may deem best for the use and navigation of any portion or area of the navigable waters of the United States or waters under the jurisdiction of the United States endangered or likely to be endangered by Coast Artillery fire in target practice or otherwise, or by the proving operations of the Government ordnance proving ground at Sandy Hook, New Jersey, or at any Government ordnance proving ground that may be established elsewhere on or near such waters, and of any portion or area of said waters occupied by submarine mines, mine fields, submarine cables, or other material and accessories pertaining to seacoast fortifications, or by any plant or facility engaged in the execution of any public project of river and harbor improve-ment; and the said Secretary of War shall have like power to regulate the transportation of explosives upon any of said waters:

JULY 9, 1918, sec. 2 (33 U. S. C. sec. 3). To enforce the regulations prescribed pursuant to this section the Secretary of War may detail any public vessel in the service of the War Department, or,

upon the request of the Secretary of War, the head of any other department may enforce, and the head of any such department is hereby authorized to enforce, such regulations by means of any public vessel of such department.

### Potomac River.

May 19, 1896, sec. 1. It shall be unlawful for any owner or occupant of any wharf or dock, any master or captain of any vessel, or any person or persons to cast, throw, drop, or deposit any ballast, dirt, oyster shells, or ashes in the water in any part of the Potomac River or its tributaries in the District of Columbia, or on the shores of said river below high-water mark, unless for the purpose of making a wharf, after permission has been obtained from the Commissioners of the District of Columbia for that purpose, which wharf shall be sufficiently enclosed and secured so as to prevent injury to navigation.

Sec. 2. It shall be unlawful for any owner or occupant of any wharf or dock, any captain or master of any vessel, or any other person or persons to cast, throw, deposit, or drop in any dock or in the waters of the Potomac River or its tributaries in the District of Columbia any dead fish, fish offal, dead animals of any kind, condemned oysters in the shell, watermelons, cantaloupes, vegetables, fruits, shavings, hay, straw, ice, snow, filth, or trash of any kind

whatsoever.

Sec. 3. Any person or persons violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and on conviction thereof in the police court of the District of Columbia shall be punished by a fine not exceeding \$100 or by imprisonment not exceeding six months, or by both such punishments, in the discretion of the court.

Sec. 4. Nothing in this Act contained shall be construed to interfere with the work of improvement in or along the said river and harbor, under the supervision of the United States Government. (29

Stat. 126.)

## Mississippi River Passes.

Mar. 3, 1909, sec. 5 (33 U. S. C. 2). The Secretary of War be, and is hereby, authorized to make such rules and regulations for the navigation of the South and Southwest passes of the Mississippi River as to him shall seem necessary or expedient for the purpose of preventing any obstruction to the channels through said South and Southwest passes and any injury to the works therein constructed. The term "South and Southwest passes", as herein employed, shall be construed as embracing the entire extent of channel, in each case, between the upper ends of the works at the head of the pass and the outer or sea ends of the jetties at the entrance from the Gulf of Mexico; and any willful violation of any rule or regulation made by the Secretary of War in pursuance of this Act shall be deemed a misdemeanor, for which the owner or owners, agent or agents, master or pilot of the vessel so offending shall be separately or collectively responsible, and on conviction thereof shall be punished by a fine of not less than \$100 nor exceeding \$500, or by imprisonment for not exceeding three months, or by both fine and imprisonment, at the discretion of the court.

## Chapter XXXVI .- MARINE CASUALTIES AND SALVAGE

Report of Accidents; Penalty.

June 20, 1874, sec. 10 (33 U.S. C. 361). Whenever any vessel of the United States has sustained or caused any accident involving the loss of life, the material loss of property, or any serious injury to any person, or has received any material damage affecting her seaworthiness or her efficiency, the managing owner, agent, or master of such vessel shall within five days after the happening of such accident or damage, or as soon thereafter as possible, send, by letter to the collector of customs of the district wherein such vessel belongs or of that within which such accident or damage occurred, a report thereof, signed by such owner, agent, or master, stating the name and official number (if any) of the vessel, the port to which she belongs, the place where she was, the nature and probable occasion of the casualty, the number and names of those lost, and the estimated amount of loss or damage to the vessel or cargo; and shall furnish, upon the request of either of such collectors of customs, such other information concerning the vessel, her cargo, and the casualty as may be called for; and if he neglect or refuse to comply with the foregoing requirements after a reasonable time, he shall incur a penalty of \$100.

Report of Probable Loss of Vessel.

June 20, 1874, sec. 11 (33 U. S. C. 362). Whenever the managing owner or agent of any vessel of the United States has reason, owing to the nonappearance of such vessel, or to any other circumstance, to apprehend that such vessel has been lost, he shall, as soon as conveniently may be, send notice, in writing, to the collector of customs of the port to which said vessel belonged, of such loss, and the probable occasion thereof stating the name and the official number (if any) of the vessel, and the names of all persons on board, so far as the same can be ascertained, and shall furnish, upon request of the collector of such port, such additional information as he may be able; and if he neglect to comply with the above requirements within a reasonable time, he shall incur a penalty of \$100.

Collectors of Customs to Transmit Reports to Secretary of Commerce.

JUNE 20, 1874, sec. 12 (33 U.S. C. 363). It shall be the duty of the collectors of customs to immediately transmit to the Secretary of Commerce such reports and information as they may receive under the provisions of the two preceding sections, and they shall also report to the Secretary of Commerce any neglect or refusal on the part of the managing owner, agent, or master of any vessel of the United States to comply with the requirements thereof.

Remission and Recovery of Penalties.

June 20, 1874, sec. 13 (33 U. S. C. 364). The Secretary of Commerce may, upon application therefor, remit or mitigate any penalty provided for in this Act [secs. 10 to 12] or discontinue any prosecution to recover the same, upon such terms as he, in his discretion, shall think proper, and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as he may think proper. All penalties herein provided may be sued for, prosecuted, recovered, and disposed of in the manner prescribed by section 4305 of the Revised Statutes. (Mar. 3, 1897, sec. 11.)

Reports by Owners of Damage to Towed Barges; Secretary of Commerce Annual Report to Congress.

Mar. 4, 1915, sec. 15 (33 U. S. C. 365, 366). The owner, agent, or master of every barge which, while in tow through the open sea, has sustained or caused any accident, shall be subject in all respects to the provisions of sections 10, 11, 12, and 13 of the Act approved June 20, 1874 (33 U. S. C. 361, 362, 363, and 364) and the reports therein prescribed shall be transmitted by collectors of customs to the Secretary of Commerce, who shall transmit annually to Congress a summary of such reports during the previous fiscal year, together with a brief statement of the action of the department in respect to such accidents.

#### Canadian Wrecks.

June 19, 1878 (46 U. S. C. 725). Canadian vessels and wrecking appurtenance may render aid and assistance to Canadian or other vessels and property wrecked, disabled, or in distress in the waters of the United States contiguous to the Dominion of Canada. This Act shall be construed to apply to the canal and improvement of the waters between Lake Erie and Lake Huron, and to the waters of the Saint Mary's River and canal: And provided further, That this Act shall cease to be in force from and after the date of the proclamation of the President of the United States to the effect that said reciprocal privilege has been withdrawn, revoked, or rendered inoperative by the said Government of the Dominion of Canada. (May 24, 1890; Mar. 3, 1893, sec. 1.)

# Wrecking and Salvaging Treaty.

The High Contracting Parties agree that vessels and wrecking appliances, either from the United States or from the Dominion of Canada, may salve any property wrecked and may render aid and assistance to any vessels wrecked, disabled, or in distress in the waters or on the shores of the other country in that portion of the Saint Lawrence River through which the international boundary line extends, and in Lake Ontario, Lake Erie, Lake Saint Clair, Lake Huron, and Lake Superior, and in the Rivers Niagara, Detroit, Saint Clair, and Ste. Marie, and the Canals at Sault Ste. Marie, and on the shores and in the waters of the other country along the Atlantic and Pacific coasts within a distance of thirty miles from the international boundary on such coasts.

It is further agreed that such reciprocal wrecking and salvage privileges shall include all necessary towing incident thereto, and that nothing in the customs, coasting, or other laws or regulations of either country shall restrict in any manner the salving operation of

such vessels or wrecking appliances.

Vessels from either country employed in salving in the waters of the other shall, as soon as practicable afterwards, make full report at the nearest customhouse of the country in whose waters such salvings takes place. (Art II of the treaty with Great Britain dated July 10, 1908, p. 2036, vol. 35, part 2, Statutes.)

## Wrecks in Foreign Waters.

R. S. 4238 (46 U. S. C. 721). Consuls and vice consuls, in cases where vessels of the United States are stranded on the coasts of their consulates respectively, shall, as far as the laws of the country will permit, take proper measures, as well for the purpose of saving the vessels, their cargoes, and appurtenances, as for storing and securing the effects and merchandise saved, and for taking inventories thereof; and the merchandise and effects saved, with the inventories thereof so taken, shall, after deducting therefrom the expenses, be delivered to the owners. No consul or vice consul shall have authority to take possession of any such merchandise, or other property, when the master, owner, or consignee thereof is present or capable of taking possession of the same.

#### Wrecks in Florida Waters.

R. S. 4239 (46 U. S. C. 722). All property, of any description whatsoever, which shall be taken from any wreck, from the sea, or from any of the keys and shoals, within the jurisdiction of the United States, on the coast of Florida, shall be brought to some port of entry within the jurisdiction of the United States.

## Forfeitures for Taking Wrecked Property to Foreign Ports.

R. S. 4240 (46 U. S. C. 723). Every vessel which shall be engaged or employed in carrying or transporting any property whatsoever, taken from any wreck, from the sea, or from any of the keys or shoals, within the jurisdiction of the United States, on the coast of Florida, to any foreign port, shall, together with her tackle, apparel, and furniture, be forfeited, and all forfeitures incurred by virtue of this section shall accrue, one moiety to the informer and the other to the United States.

#### License to Wreckers on Florida Coast.

R. S. 4241 (46 U. S. C. 724). No vessel or master thereof, shall be regularly employed in the business of wrecking on the coast of Florida without the license of the judge of the district court for the district of Florida; and, before licensing any vessel or master, the judge shall be satisfied that the vessel is seaworthy, and properly and sufficiently fitted and equipped for the business of saving property shipwrecked and in distress; and that the master thereof is trustworthy, and innocent of any fraud or misconduct in relation to any property shipwrecked or saved on the coast.

## Assistance and Salvage at Sea.

Aug. 1, 1912, sec. 1 (46 U. S. C. 727). The right to remuneration for assistance or salvage services shall not be affected by common ownership of the vessels rendering and receiving such assistance or salvage services.

Duty of Master to Assist Persons in Danger.

Aug. 1, 1912, sec. 2 (46 U. S. C. 728). The master or person in charge of a vessel shall, so far as he can do so without serious danger to his own vessel, crew, or passengers, render assistance to every person who is found at sea in danger of being lost; and if he fails to do so, he shall, upon conviction, be liable to a penalty of not exceeding \$1,000 or imprisonment for a term not exceeding two years, or both.

Salvors of Life to Share in Remuneration.

Aug. 1, 1912, sec. 3 (46 U.S. C. 729). Salvors of human life, who have taken part in the services rendered on the occasion of the accident giving rise to salvage, are entitled to a fair share of the remuneration awarded to the salvors of the vessel, her cargo, and accessories.

Time Limit for Salvage Suits.

Aug. 1, 1912, sec. 4 (46 U. S. C. 730). A suit for the recovery of remuneration for rendering assistance or salvage services shall not be maintainable if brought later than two years from the date when such assistance or salvage was rendered, unless the court in which the suit is brought shall be satisfied that during such period there had not been any reasonable opportunity of arresting the assisted or salved vessel within the jurisdiction of the court or within the territorial waters of the country in which the libelant resides or has his principal place of business.

Applicability to Ships of War.

Aug. 1, 1912, sec. 5 (46 U. S. C. 731). Nothing in this Act shall be construed as applying to ships of war or to Government ships appropriated exclusively to a public service.

Salvage Service.

July 1, 1918 (34 U. S. C. 472). Hereafter the Secretary of the Navy is authorized to cause vessels under his control, adapted to the purpose, to afford salvage service to public or private vessels in distress; *Provided*, That when such salvage service is rendered by a vessel specially equipped for the purpose or by a tug, the Secretary of the Navy may determine and collect reasonable compensation therefor.

## Chapter XXXVII.—MARINE CASUALTY INVESTIGATION BOARDS

Casualty Involving Loss of Life.

R. S. 4450 (46 U. S. C. 239). (a) The Secretary of Commerce shall prescribe rules and regulations for the investigation of marine casualties involving loss of life in order to determine whether any incompetence, misconduct, unskillfulness, or willful violation of law on the part of any licensed officer, pilot, seaman, employee, owner, or agent of such owner of any vessel involved in such casualty, or any inspector, officer of the Coast Guard, or other officer or employee of the United States, or any other person, caused or contributed to the cause of such casualty. For the purpose of investigating such a marine casualty, the Secretary of Commerce shall appoint a marine casualty investigation board or boards consisting of a chairman and two other members; the chairman shall be an officer or employee of the Department of Justice (learned in maritime laws) designated by the Attorney General; one member shall be a representative of the Bureau of Marine Inspection and Navigation designated by the Secretary of Commerce; and the other member shall be an officer of the United States Coast Guard designated by the Secretary of the Treasury. All reports shall be made to the Secretary of Commerce and such reports shall be public records and be open to inspection at reasonable times by any persons. Copies of such reports shall be sent to the Attorney General and to the Secretary of the Treasury. (May 27, 1936, sec. 4.)

# Casualty Not Involving Loss of Life.

R. S. 4450 (46 U. S. C. 239). (b) The Secretary of Commerce shall establish rules and regulations for the investigation of marine casualties and accidents not involving loss of life, any act in violation of any of the provisions of this title or of any of the regulations issued thereunder, and all cases of acts of incompetency or misconduct committed by any licensed officer or holder of a certificate of service while acting under the authority of his license or certificate of service, whether or not any of such acts are committed in connection with any marine casualty or accident. The Secretary of Commerce shall classify marine casualties and accidents not involving loss of life according to the gravity thereof and in making such classification the Secretary shall give consideration to the extent of injuries to persons, the extent of property damage, the dangers actual or potential which such marine casualties or accidents may create to the safety of navigation or commerce. All such marine casualties or accidents classified as serious shall be investigated by a marine board appointed by the Secretary of Commerce consisting of two principal traveling inspectors and a supervising inspector of the Bureau of Marine Inspection and Navigation. Marine casualties or accidents classified as less serious shall be investigated by a marine board consisting of representatives of the Bureau of Marine Inspection and Navigation designated by the Director thereof. (May 27, 1936, sec. 4.)

Employment of Assistants by Boards; Compensation of Boards.

R. S. 4450 (46 U. S. C. 239). (c) The said boards provided for in subsections (a) and (b) of this section shall, upon the approval of the Director of the Bureau of Marine Inspection and Navigation, have authority to engage such other assistants, clerical or technical, as may be deemed necessary by the said Director. The members of said boards shall not receive any compensation in addition to that for their regular appointment but shall be entitled to their necessary traveling expenses while traveling on official business. (May 27, 1936, sec. 4.)

Immediate Investigation of Conduct; Violations and Casualties; Right to Counsel.

R. S. 4450 (46 U. S. C. 239). (d) All acts in violation of any of the provisions of this title or of any of the regulations issued thereunder, whether or not committed in connection with any marine casualty or accident, and all acts of incompetency or misconduct, whether or not committed in connection with any marine casualty or accident, committed by any licensed officer acting under authority of his license or by any chief or assistant steward, purser, radio operator, electrician, able seaman, or lifeboat man acting under authority of a certificate of service issued to him by the Bureau of Marine Inspection and Navigation, and all marine casualties and accidents and the attendant circumstances shall be immediately investigated by the appropriate board as provided in subsections (a) and (b) of this section. Such board shall determine, as far as possible, the cause of any such casualty or accident, the persons responsible therefor, and whether or not the United States Government employees charged with the inspection of the vessel or the vessels involved and with the examination and licensing of the officers thereof have properly performed their duties in connection with such inspection, examination, and licensing. In all investigations conducted under the authority of this section, any owner, licensed officer, or any holder of a certificate of service, or any other person whose conduct is under investigation, or any other party in interest, shall be allowed to be represented by counsel, to cross-examine witnesses, and to call witnesses in his own behalf, and a full and complete record of the facts and circumstances shall be submitted to the Director of the Bureau of Marine Inspection and Navigation. (May 27, 1936, sec. 4.)

Witnesses; Subpoenas; Oaths.

R. S. 4450 (46 U. S. C. 239). (e) In any investigation directed by this section a marine casualty investigation board or a marine board shall have power to summon before it witnesses and to require the production of books, papers, documents, and any other evidence. Attendance of witnesses or the production of books, papers, documents, or any other evidence shall be compelled by a similar process as in the United States District Court. The chairman of each of said boards shall administer all necessary oaths to any witnesses 'summoned before said boards. (May 27, 1936, sec. 4.)

Payment of Witness Fees and Expenses.

R. S. 4450 (46 U. S. C. 239). (f) The disbursing clerk, Department of Commerce, shall pay, on properly certified vouchers, such fees to any witness summoned under (subsection e of this section), for his actual travel and attendance, as shall be officially certified to by the chairman of the board conducting the investigation, not exceeding the rate allowed for fees and to witnesses for travel and attendance in any District Court of the United States. (May 27, 1936, sec. 4.)

Suspension or Revocation of License or Certificate; Appeals.

R. S. 4450 (46 U. S. C. 239). (g) In any investigation of acts of incompetency or misconduct or of any act in violation of the provisions of this title, or of any of the regulations issued thereunder, committed by any licensed officer or any holder of a certificate of service, the person whose conduct is under investigation shall be given reasonable notice of the time, place, and subject of such investigation and an opportunity to be heard in his own defense. The whole record of the testimony received by the board conducting such investigation and the findings and recommendations of such board shall be forwarded to the Director of the Bureau of Marine Inspection and Navigation, and if that officer shall find that such licensed officer or holder of certificate of service is incompetent or has been guilty of misbehavior, negligence, or unskillfulness, or has endangered life, or has willfully violated any of the provisions of this title or any of the regulations issued thereunder, he shall, in a written order reciting said findings, suspend or revoke the license or certificate of service of such officer or holder of such certificate. The person whose license or certificate of service is suspended or revoked may within thirty days appeal from the order of the said Director to the Secretary of Commerce. On such appeal the appellant shall be allowed to be represented by counsel. The Secretary of Commerce may alter or modify any finding of the board which conducted the investigation or of the Director of the Bureau of Marine Inspection and Navigation, but the decision of the Secretary of Commerce shall be based solely on the testimony received by the said board and shall recite the findings of fact on which it is based. (May 27, 1936, sec. 4; July 29, 1937.) (See act of June 7, 1924, sec. 5.)

Evidence of Criminal Liability To Be Forwarded to Attorney General.

R. S. 4450 (46 U. S. C. 239). (h) If the Director of the Bureau of Marine Inspection and Navigation shall find evidence of criminal liability on the part of any licensed officer or holder of a certificate of service, he shall submit such findings to the Secretary of Commerce who, if he be satisfied that such criminal liability exists, shall refer all of the evidence and the findings in such investigation to the Attorney General for investigation by and prosecution through the Federal district attorney of the district having jurisdiction, under the provisions of the Criminal Code. Nothing in this section shall be construed as prohibiting the Federal district attorney from conducting a criminal investigation or prosecution in connection with a shipping casualty. (May 27, 1936, sec. 4.)

Coercion or Bribery of Witness; Penalty; Prosecution.

R. S. 4450 (46 U. S. C. 239). (i) Any attempt to coerce any witness, or to induce them to testify falsely in connection with a shipping casualty, or to induce them to leave the jurisdiction of the United States, shall be punishable by a fine of \$5,000 or imprisonment for one year, or both such fine and imprisonment. Any person making such attempts shall be prosecuted by the Federal district attorney of the district having jurisdiction. (May 27, 1936, sec. 4.)

Rules and Regulations.

R. S. 4450 (46 U. S. C. 239). (j) The Secretary of Commerce shall make such regulations as may be necessary to secure the proper administration of this section. (May 27, 1936, sec. 4.)

## Chapter XXXVIII .- SUITS IN ADMIRALTY ACT

Exemption of United States Vessels and Cargoes from Arrest or Seizure.

Mar. 9, 1920, sec. 1 (46 U. S. C. 741). No vessel owned by the United States or by any corporation in which the United States or its representatives shall own the entire outstanding capital stock, or in the possession of the United States or of such corporation or operated by or for the United States or such corporation, and no cargo owned or possessed by the United States or by such corporation, shall hereafter, in view of the provision herein made for a libel in personam, be subject to arrest or seizure by judicial process in the United States or its possessions: Provided, That this Act shall not apply to the Panama Railroad Company.

#### Libel in Personam.

Mar. 9, 1920, sec. 2 (46 U. S. C. 742). In cases where if such vessel were privately owned or operated, or if such cargo were privately owned and possessed, a proceeding in admiralty could be maintained at the time of the commencement of the action herein provided for, a libel in personam may be brought against the United States or against such corporation, as the case may be, provided that such vessel is employed as a merchant vessel or is a tug boat operated by such corporation. Such suits shall be brought in the district court of the United States for the district in which the parties so suing, or any of them, reside or have their principal place of business in the United States, or in which the vessel or cargo charged with liability is found. The libelant shall forthwith serve a copy of his libel on the United States attorney for such district and mail a copy thereof by registered mail to the Attorney General of the United States, and shall file a sworn return of such service and mailing. Such service and mailing shall constitute valid service on the United States and such corporation. In case the United States or such corporation shall file a libel in rem or in personam in any district, a cross-libel in personam may be filed or a set-off claimed against the United States or such corporation with the same force and effect as if the libel had been filed by a private party. Upon application of either party the cause may, in the discretion of the court, be transferred to any other district court of the United States.

### Procedure in Cases of.

Mar. 9, 1920, sec. 3 (46 U. S. C. 743). Such suits shall proceed and shall be heard and determined according to the principles of law and to the rules of practice obtaining in like cases between private parties. A decree against the United States or such corporation may include costs of suit, and when the decree is for a money judgment, interest at the rate of 4 per centum per annum until satisfied, or at any higher rate which shall be stipulated in any contract upon which such decree shall be based. Interest shall run as ordered by the court.

463

Decrees shall be subject to appeal and revision as now provided in other cases of admiralty and maritime jurisdiction. If the libelant so elects in his libel the suit may proceed in accordance with the principles of libels in rem wherever it shall appear that had the vessel or cargo been privately owned and possessed a libel in rem might have been maintained. Election so to proceed shall not preclude the libelant in any proper case from seeking relief in personam in the same suit. Neither the United States nor such corporation shall be required to give any bond or admiralty stipulation on any proceeding brought hereunder. Any such bond or stipulation heretofore given in admiralty causes by the United States, the United States Shipping Board, or the United States Shipping Board Emergency Fleet Corporation, shall become void and be surrendered and canceled upon the filing of a suggestion by the Attorney General or other duly authorized law officer that the United States is interested in such cause, and assumes liability to satisfy any decree included within said bond or stipulation, and thereafter any such decree shall be paid as provided in section 8 of this Act.

## Release of Privately Owned Vessel After Seizure.

Mar. 9, 1920, sec. 4 (46 U. S. C. 744). If a privately owned vessel not in the possession of the United States or of such corporation is arrested or attached upon any cause of action arising or alleged to have arisen from previous possession, ownership, or operation of such vessel by the United States or by such corporation, such vessel shall be released without bond or stipulation therefor upon the suggestion by the United States, through its Attorney General or other duly authorized law officer, that it is interested in such cause, desires such release, and assumes the liability for the satisfaction of any decree obtained by the libelant in such cause, and thereafter such cause shall proceed against the United States in accordance with the provisions of this Act.

# Causes of Action on Which Suits may be Brought; Limitations.

Mar. 9, 1920, sec. 5 (46 U. S. C. 745). Suits as herein authorized may be brought only on causes of action arising since April 6, 1917: Provided, That suits based on causes of action arising prior to the taking effect of this Act shall be brought within one year after this Act goes into effect; and all other suits hereunder shall be brought within two years after the cause of action arises: Provided further, That the limitations in this section contained for the commencement of suits hereunder shall not bar any suit against the United States or the United States Shipping Board Merchant Fleet Corporation, formerly known as the United States Shipping Board Emergency Fleet Corporation, brought hereunder on or before December 31, 1932, if such suit is based upon a cause of action whereon a prior suit in admiralty or an action at law or an action under the Tucker Act of March 3, 1887 (24 Stat. 505; U. S. C., title 28, sec. 250, subdiv. 1), was commenced prior to January 6, 1930, and was or may hereafter be dismissed because not commenced within the time or in the manner prescribed in this Act, or otherwise not commenced or prosecuted in accordance with its provisions: Provided further, That such prior suit must have been commenced within the statutory period of limitation for common-law actions against the United States cognizable in the Court of Claims: Provided further, That there shall not be revived hereby any suit at law, in admiralty, or under the Tucker Act heretofore or hereafter dismissed for lack of prosecution after filing of suit: And provided further, That no interest shall be allowed on any claim prior to the time when suit on such claim is brought as authorized hereunder. (June 29, 1936, sec. 203.)

Exemptions and Limitations of Liability.

Mar. 9, 1920, sec. 6 (46 U. S. C. 746). The United States or such corporation shall be entitled to the benefits of all exemptions and of all limitations of liability accorded by law to the owners, charterers, operators, or agents of vessels.

Seizures in Foreign Jurisdictions.

Mar. 9, 1920, sec. 7 (46 U. S. C. 747). If any vessel or cargo within the purview of sections 1 and 4 of this Act is arrested, attached, or otherwise seized by process of any court in any country other than the United States, or if any suit is brought therein against the master of any such vessel for any cause of action arising from, or in connection with, the possession, operation, or ownership of any such vessel, or the possession, carriage, or ownership of any such cargo, the Secretary of State of the United States in his discretion, upon the request of the Attorney General of the United States, or any other officer duly authorized by him, may direct the United States consul residing at or nearest the place at which such action may have been commenced to claim such vessel or cargo as immune from such arrest, attachment, or other seizure, and to execute an agreement, undertaking, bond, or stipulation for and on behalf of the United States, or the United States Maritime Commission, or such corporation as by said court required, for the release of such vessel or cargo, and for the prosecution of any appeal; or may, in the event of such suits against the master of any such vessel, direct said United States consul to enter the appearance of the United States, or of the United States Maritime Commission, or of such corporation, and to pledge the credit thereof to the payment of any judgment and cost that may be entered in such suit. The Attorney General is hereby vested with power and authority to arrange with any bank, surety company, person, firm, or corporation in the United States, its Territories and possessions, or in any foreign country, to execute any such aforesaid bond or stipulation as surety or stipulator thereon, and to pledge the credit of the United States to the indemnification of such surety or stipulator as may be required to secure the execution of such bond or stipulation. The presentation of a copy of the judgment roll in any such suit, certified by the clerk of the court and authenticated by the certificate and seal of the United States consul claiming such vessel or cargo, or his successor, and by the certificate of the Secretary of State as to the official capacity of such consul, shall be sufficient evidence to the proper accounting officers of the United States, or of the United States Maritime Commission, or of such corporation, for the allowance and payment of such judgments: Provided, however, That nothing in this section shall be held to prejudice or preclude a claim of the immunity of such vessel or cargo from foreign jurisdiction in

a proper case. (June 10, 1933, Ex. Ord. No. 6166, sec. 12; June 29, 1936, sec. 904.)

Payment of Judgment, Award, or Settlement.

Mar. 9, 1920, sec. 8 (46 U. S. C. 748). Any final judgment rendered in any suit herein authorized, and any final judgment within the purview of sections 4 and 7 of this Act, and any arbitration award or settlement had and agreed to under the provisions of section 9 of this Act, shall, upon the presentation of a duly authenticated copy thereof, be paid by the proper accounting officers of the United States out of any appropriation or insurance fund or other fund especially available therefor. (June 26, 1934, sec. 3.)

Arbitration, Compromise, or Settlement of Claims.

Mar. 9, 1920, sec. 9 (46 U. S. C. 749). The Secretary of any department of the Government of the United States, or the United States Maritime Commission, or the board of trustees of such corporation, having control of the possession or operation of any merchant vessel are, and each hereby is, authorized to arbitrate, compromise, or settle any claim in which suit will lie under the provisions of sections 2, 4, 7, and 10 of this Act. (June 10, 1933, Ex. Ord. No. 6166, sec. 12; June 29, 1936, sec. 904.)

Recovery for Salvage Services by Vessel or Crew.

Mar. 9, 1920, sec. 10 (46 U.S. C. 750). The United States, and the crew of any merchant vessel owned or operated by the United States, or such corporation, shall have the right to collect and sue for salvage services rendered by such vessel and crew, and any moneys recovered therefrom by the United States for its own benefit, and not for the benefit of the crew, shall be covered into the United States Treasury to the credit of the department of the Government of the United States, or of the United States Maritime Commission, or of such corporation, having control of the possession or operation of such vessel. (June 10, 1933, Ex. Ord. No. 6166, sec. 12; June 29, 1936, sec. 904.)

Disposition of Moneys Recovered by United States.

Mar. 9, 1920, sec. 11 (46 U. S. C. 751). All moneys recovered in any suit brought by the United States on any cause of action arising from, or in connection with, the possession, operation, or ownership of any merchant vessel, or the possession, carriage, or ownership of any cargo, shall be covered into the United States Treasury to the credit of the department of the Government of the United States, or of the United States Maritime Commission, or of such aforesaid corporation, having control of the vessel or cargo with respect to which such cause of action arises, for reimbursement of the appropriation, or insurance fund, or other funds, from which the loss, damage, or compensation for which said judgment was recovered has been or will be paid. (June 10, 1933, Ex. Ord. No. 6166, sec. 12; June 29, 1936, sec. 904.)

Reports as to Suits, Awards, and Settlements.

Mar. 9, 1920, sec. 12 (46 U. S. C. 752). The Attorney General shall report to the Congress at each session thereof the suits under this Act in which final judgment shall have been rendered for or against

the United States and such aforesaid corporation and the Secretary of any department of the Government of the United States, and the United States Maritime Commission, and the board of trustees of any such aforesaid corporation, shall likewise report the arbitration awards or settlements of claims which shall have been agreed to since the previous session, and in which the time to appeal shall have expired or have been waived. (June 10, 1933, Ex. Ord. No. 6166, sec. 12; June 29, 1936, sec. 904.)

That the provisions of all other Acts inconsistent herewith are

hereby repealed.

## Chapter XXXIX .- PUBLIC VESSELS ACT

Libel in Admiralty Against or Impleader of United States.

Mar. 3, 1925, sec. 1 (46 U. S. C. 781). A libel in personam in admiralty may be brought against the United States, or a petition impleading the United States, for damages caused by a public vessel of the United States, and for compensation for towage and salvage services, including contract salvage, rendered to a public vessel of the United States: Provided, That the cause of action arose after the 6th day of April, 1920.

#### Venue of Suit.

Mar. 3, 1925, sec. 2 (46 U. S. C. 782). Such suit shall be brought in the district court of the United States for the district in which the vessel or cargo charged with creating the liability is found within the United States, or if such vessel or cargo be outside the territorial waters of the United States, then in the district court of the United States for the district in which the parties so suing, or any of them, reside or have an office for the transaction of business in the United States; or in case none of such parties reside or have an office for the transaction of business in the United States, and such vessel or cargo be outside the territorial waters of the United States, then in any district court of the United States. Such suits shall be subject to and proceed in accordance with the provisions of an Act entitled "An Act authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes," approved March 9, 1920, or any amendment thereof, in so far as the same are not inconsistent herewith, except that no interest shall be allowed on any claim up to the time of the rendition of judgment unless upon a contract expressly stipulating for the payment of interest.

## Cross Libel or Set-Off or Counterclaim Where United States Sues.

Mar. 3, 1925, sec. 3 (46 U. S. C. 783). In the event of the United States filing a libel in rem or in personam in admiralty for damages caused by a privately owned vessel, the owner of such vessel, or his successors in interest, may file a cross libel in personam or claim a set-off or counterclaim against the United States in such suit for and on account of any damages arising out of the same subject matter or cause of action: Provided. That whenever a cross libel is filed for any cause of action for which the original libel is filed by authority of this Act, the respondent in the cross libel shall give security in the usual amount and form to respond to the claim set forth in said cross libel unless the court, for cause shown, shall otherwise direct; and all proceedings on the original libel shall be stayed until such security shall be given.

Subpoenas to Officers or Members of Crews.

Mar. 3, 1925, sec. 4 (46 U. S. C. 784). No officer or member of the crew of any public vessel of the United States may be subpoenaed in connection with any suit authorized under this Act without the consent of the secretary of the department or the head of any independent establishment of the Government having control of the vessel at the time the cause of action arose, or of the master or commanding officer of such vessel at the time of the issuance of such subpoena.

Suits by Nationals of Foreign Governments.

Mar. 3, 1925, sec. 5 (46 U. S. C. 785). No suit may be brought under this Act by a national of any foreign government unless it shall appear to the satisfaction of the court in which suit is brought that said government, under similar circumstances, allows nationals of the United States to sue in its courts.

Arbitration, Compromise, or Settlement.

Mar. 3, 1925, sec. 6 (46 U. S. C. 786). The Attorney General of the United States is hereby authorized to arbitrate, compromise, or settle any claim on which a libel or cross libel would lie under the provisions of this Act, and for which a libel or cross libel has actually been filed.

Payment of Judgments or Settlements.

Mar. 3, 1925, sec. 7 (46 U. S. C. 787). Any final judgment rendered on any libel or cross libel herein authorized, and any settlement had and agreed to under the provisions of section 6 of this Act, shall, upon presentation of a duly authenticated copy thereof, be paid by the proper accounting officer of the United States out of any moneys in the Treasury of the United States appropriated therefor by Congress.

Lien not Created Against Public Vessels.

Mar. 3, 1925, sec. 8 (46 U. S. C. 788). Nothing contained in this Act shall be construed to recognize the existence of or as creating a lien against any public vessel of the United States.

Exemptions and Limitations of Liability.

Mar. 3, 1925, sec. 9 (46 U. S. C. 789). The United States shall be entitled to the benefits of all exemptions and of all limitations of liability accorded by law to the owners, charterers, operators, or agents of vessels.

Reports by Attorney General.

Mar. 3, 1925, sec. 10 (46 U. S. C. 790). The Attorney General of the United States shall report to the Congress at each session thereof all suits in which final judgment shall have been rendered and all claims which shall have been settled under this Act.

## Chapter XL.—NEW YORK HARBOR

Taking Shellfish or Otherwise Interfering with Navigation in New York Harbor Channels; Penalty; Arrest and Procedure.

Aug. 18, 1894, sec. 2 (33 U. S. C. 452). It shall be unlawful for any person or persons to engage in fishing or dredging for shellfish in any of the channels leading to and from the harbor of New York, or to interfere in any way with the safe navigation of those channels by ocean steamships and ships of deep draft. Any person or persons violating the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine or imprisonment, or both, such fine to be not more than \$250 nor less than \$50, and the imprisonment to be not more than six months nor less than thirty days, either or both united, as the judge before whom conviction is obtained shall decide. It shall be the duty of the United States Supervisor of the harbor to enforce this Act, and the deputy inspectors of the said supervisor shall have authority to arrest and take into custody, with or without process, any person or persons who may commit any of the acts or offenses prohibited by this Act: Provided, That no person shall be arrested without process for any offense not committed in the presence of the supervisor or his inspector or deputy inspectors, or either of them: And further provided, That whenever any such arrest is made the person or persons so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States.

Deposit of Refuse in New York Harbor and Adjacent Waters Prohibited; Penalty.

June 29, 1888, sec. 1 (33 U. S. C. 441). The placing, discharging, or depositing, by any process or in any manner, of refuse, dirt, ashes, cinders, mud, sand, dredgings, sludge, acid, or any other matter of any kind, other than that flowing from streets, sewers, and passing therefrom in a liquid state, in the tidal waters of the harbor of New York, or its adjacent or tributary waters, or in those of Long Island Sound, within the limits which shall be prescribed by the supervisor of the harbor, is hereby strictly forbidden, and every such act is made a misdemeanor, and every person engaged in or who shall aid, abet, authorize, or instigate a violation of this section, shall, upon conviction, be punishable by fine or imprisonment, or both, such fine to be not less than \$250 nor more than \$2,500, and the imprisonment to be not less than thirty days nor more than one year, either or both united, as the judge before whom conviction is obtained shall decide, one-half of said fine to be paid to the person or persons giving information which shall lead to conviction of this misdemeanor.

## Liability of Officers of Towing Vessel.

June 29, 1888, sec. 2 (33 U. S. C. 442). Any and every master and engineer or person or persons acting in such capacity, respectively, on board of any boat or vessel, who shall knowingly engage in towing any scow, boat, or vessel loaded with any such prohibited matter to any point or place of deposit, or discharge in the waters of the harbor of New York, or in its adjacent or tributary waters, or in those of Long Island Sound, or to any point or place elsewhere than within the limits defined and permitted by the supervisor of the harbor hereinafter mentioned, shall be deemed guilty of a violation of this Act, and shall, upon conviction, be punishable as hereinbefore provided for offenses in violation of section 1 of this Act, and shall also have his license revoked or suspended for a term to be fixed by the judge before whom tried and convicted.

Permit for Dumping; Penalty for Taking or Towing Boat or Scow Without Permit; Dumping at Other Place Than Designated Dumping Grounds; Penalty; Person Liable; Excuses for Deviation.

June 29, 1888, sec. 3 (33 U.S. C. 443, 444). In all cases of receiving on board of any scows or boats such forbidden matter or substance as herein described, the owner or master, or person acting in such capacity on board of such scows or boats, before proceeding to take or tow the same to the place of deposit, shall apply for and obtain from the supervisor of the harbor appointed hereunder, a permit defining the precise limits within which the discharge of such scows or boats may be made; and it shall not be lawful for the owner or master, or person acting in such capacity, of any tug or towboat to tow or move any scow or boat so loaded with such forbidden matter until such permit shall have been obtained; and every person violating the forgoing provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than \$1,000 nor less than \$500, and in addition thereto the master of any tug or towboat so offending shall have his license revoked, or suspended for a term to be fixed by the judge before whom tried and convicted.

And any deviation from such dumping or discharging place specified in such permit shall be a misdemeanor, and the owner and master, or person acting in the capacity of master, of any scows or boats dumping or discharging such forbidden matter in any place other than that specified in such permit shall be liable to punishment therefor as provided in section 1 of the said Act of June 29, 1888; and the owner and master, or person acting in the capacity of master, of any tug or towboat towing such scows or boats shall be liable to equal punishment with the owner and master, or person acting in the capacity of master, of the scows or boats; and, further, every scowman or other employee on board of both scows and towboats shall be deemed to have knowledge of the place of dumping specified in such permit, and the owners and masters, or persons acting in the capacity of masters, shall be liable to punishment, as aforesaid, for any unlawful dumping, within the meaning of this Act or of the said Act of June 29, 1888, which may be caused by the negligence or ignorance of such scowman or other employee; and, further, neither defect in machinery nor avoidable accidents to scows or towboats, nor unfavorable weather, nor improper handling or moving of scows or boats of any kind whatsoever, shall operate to release the owners and masters and employees of scows, and towboats from the penalties heretofore mentioned. (May 28, 1908, sec. 8.)

Equipment and Marking of Boats or Scows.

June 29, 1888, sec. 3 (33 U. S. C. 445). Every scow or boat engaged in the transportation of dredgings, earth, sand, mud, cellar, dirt, garbage, or other offensive material of any description shall have its name or number and owner's name painted in letters and numbers at least fourteen inches long on both sides of the scow or boat; these names and numbers shall be kept distinctly legible at all times, and no scow or boat not so marked shall be used to transport

or dump any such material.

Each such scow or boat shall be equipped at all times with a life line or rope extending at least the length of and three feet above the deck thereof, such rope to be attached to the coaming thereof, also with a life preserver and a life buoy for each person on board thereof, also with anchor to weigh not less than two hundred and seventy-five pounds, and at least one hundred feet of cable attached thereto; a list of names of all men employed on any such scow or boat shall be kept by the owner or master thereof and the said list shall be open to the inspection of all parties. Failure to comply with any of the foregoing provisions shall render the owner of such scow or boat liable upon conviction thereof to a penalty of not more than \$500.

The requirements in regard to life line or rope shall not apply to any scow or boat the deck outside the coaming or rail of which shall not exceed one foot in width. On any such scow or boat its name or number and owner's name painted in letters and numbers, at least fourteen inches long on both ends of such scow or boat, shall be a compliance with the provisions of the said section in regard to name, number, and owner's name. (May 28, 1908, sec. 8; Feb. 16, 1909.)

Inspectors; Appointment, Powers, and Duties.

May 28, 1908, sec. 8 (33 U. S. C. 446). The supervisor of the harbor of New York, designated as provided in section 5 of the said Act of June 29, 1888, is authorized and directed to appoint inspectors and deputy inspectors, and, for the purpose of enforcing the provisions of this Act and of the Act aforesaid, and of detecting and bringing to punishment offenders against the same, the said supervisor of the harbor, and the inspectors and deputy inspectors so

appointed by him, shall have power and authority:

First. To arrest and take into custody, with or without process, any person or persons who may commit any of the acts or offenses prohibited by this section and by the Act of June 29, 1888, aforesaid, or who may violate any of the provisions of the same: Provided, That no person shall be arrested without process for any offense not committed in the presence of the supervisor or his inspectors or deputy inspectors, or either of them: And provided further, That whenever any such arrest is made the person or persons so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States.

Second. To go on board of any scow or towboat engaged in unlawful dumping of prohibited material, or in moving the same without a permit as required in this section of this Act, or otherwise violating any of the provisions of this section of this Act, and to seize and hold said boats until they are discharged by action of the commissioner, judge, or court of the United States before whom the offending persons are brought.

Third. To arrest and take into custody any witness or witnesses to such unlawful dumping of prohibitive material, the said witnesses

to be released under proper bonds.

Fourth. To go on board of any towboat having in tow scows or boats loaded with such prohibited material, and accompany the same to the place of dumping, whenever such action appears to be necessary to secure compliance with the requirements of this Act and of the Act aforesaid.

Fifth. To enter gas and oil works and all other manufacturing works for the purpose of discovering the disposition made of sludge, acid, or other injurious material, whenever there is good reason to believe that such sludge, acid, or other injurious material is allowed to run into the tidal waters of the harbor in violation of section 1 of the aforesaid Act of June 29, 1888.

## Bribery of Inspector; Penalty.

June 29, 1888, sec. 3 (33 U. S. C. 447). Every person who, directly or indirectly, gives any sum of money or other bribe, present, or reward or makes any offer of the same to any inspector, deputy inspector, or other employee of the office of the supervisor of the harbor with intent to influence such inspector, deputy inspector, or other employee to permit or overlook any violations of the provisions of this section or of the said Act of June 29, 1888, shall, on conviction thereof, be fined not less than \$500, nor more than \$1,000, and be imprisoned not less than six months nor more than one year. (Aug. 18, 1894, sec. 3; May 28, 1908, sec. 8.)

# Return of Permit; Penalty for Failure to Return.

June 29, 1888, sec. 3 (33 U. S. C. 448). Every permit issued in accordance with the provisions of this section of this Act which may not be taken up by an inspector or deputy inspector, shall be returned within four days after issuance to the office of the supervisor of the harbor; such permit shall bear an endorsement by the master of the towboat, or the person acting in such capacity, stating whether the permit has been used, and, if so, the time and place of dumping. Any person violating the provisions of this section shall be liable to a fine of not more than \$500 nor less than \$100. (May 28, 1908, sec. 8.)

# Disposition of Dredged Matter; Persons Liable; Penalty; Liability of Vessel.

June 29, 1888, sec. 4 (33 U.S. C. 449, 450). All mud, dirt, sand, dredgings, and material of every kind and description whatever taken, dredged, or excavated from any slip, basin, or shoal in the harbor of New York, or the waters adjacent or tributary thereto, and placed on any boat, scow, or vessel for the purpose of being taken or towed upon the waters of the harbor of New York to a place of deposit, shall be deposited and discharged at such place or within such limits as shall be defined and specified by the supervisor

of the harbor, as in the third section of this Act prescribed, and not otherwise. Every person, firm, or corporation being the owner of any slip, basin, or shoal, from which such mud, dirt, sand, dredgings, and material shall be taken, dredged, or excavated, and every person, firm, or corporation in any manner engaged in the work of dredging or excavating any such slip, basin, or shoal, or of removing such mud, dirt, sand, or dredgings therefrom, shall severally be responsible for the deposit and discharge of all such mud, dirt, sand, or dredgings at such place or within such limits so defined and prescribed by said supervisor of the harbor; and for every violation of the provisions of this section the person offending shall be guilty of an offense against this Act, and shall be punished by a fine equal to the sum of \$5 for every cubic yard of mud, dirt, sand, dredgings, or material not deposited or discharged as required by this section. Any boat or vessel used or employed in violating any provision of this Act, shall be liable to the pecuniary penalties imposed thereby, and may be proceeded against, summarily by way of libel in any district court of the United States, having jurisdiction thereof.

## Supervisor of Harbor; Appointment and Duties.

June 29, 1888, sec. 5 (33 U. S. C. 451). A line officer of the Navy shall be designated by the President of the United States as supervisor of the harbor, to act under the direction of the Secretary of War in enforcing the provisions of this Act and in detecting offenders against the same. This officer shall receive the sea pay of his grade, and shall have personal charge and supervision under the Secretary of War, and shall direct the patrol boats and other means to detect and bring to punishment offenders against the provisions of this Act.

## Chapter XLI.—INLAND WATERWAYS

Government-Owned Boats on Inland Waterways.

Feb. 28, 1920, sec. 201 (49 U. S. C. 141). (a) On the termination of Federal control, March 1, 1920, all boats, barges, tugs, and other transportation facilities, on the inland, canal, and coastwise waterways (hereinafter in this section called "transportation facilities") acquired by the United States in pursuance of the fourth paragraph of section 6 of the Federal Control Act (except the transportation facilities constituting parts of railroads or transportation systems over which Federal control was assumed) are transferred to the Secretary of War, who shall operate or cause to be operated such transportation facilities so that the lines of inland water transportation established by or through the President during Federal control shall be continued, and assume and carry out all contracts and agreements in relation thereto entered into by or through the President in pursuance of such paragraph prior to the time above fixed for such transfer. All payments under the terms of such contracts, and for claims arising out of the operation of such transportation facilities by or through the President prior to the termination of Federal control, shall be made out of moneys available under the provisions of this Act for adjusting, settling, liquidating, and winding up matters arising out of or incident to Federal control. Moneys required for such payments shall, from time to time, be transferred to the Secretary of War as required for payment under the terms of such contracts.

(b) All other payments after such transfer in connection with the construction, utilization, and operation of any such transportation facilities, whether completed or under construction, shall be made by the Secretary of War out of funds now or hereafter made avail-

able for that purpose.

(c) The Secretary of War is authorized, out of any moneys, after February 28, 1920, made available therefor, to construct or contract for the construction of terminal facilities for the interchange of traffic between the transportation facilities operated by him under this section and other carriers whether by rail or water, and to make loans for such purposes under such terms and conditions as he may determine to any State, municipality, or transportation company; or to expend such moneys for necessary terminal improvements and facilities upon property leased from States, cities, or transportation companies under terms approved by the Interstate Commerce Commission, or otherwise, in accordance with any order rendered by said commission under subheading (a), paragraph 13, section 6, of chapter 1 of this title.

(d) Any transportation facilities owned by the United States and included within any contract made by the United States for operation on the Mississippi River, above Saint Louis, the possession of which re-

verts to the United States at or before the expiration of such contract, shall be operated by the Secretary of War so as to provide facilities for water carriage on the Mississippi River above Saint Louis.

(e) The operation of the transportation facilities referred to in this section shall be subject to the provisions of chapter 1 of this title as amended by subsequent legislation and to the provisions of chapter 23, title 46. Shipping, as now or hereafter amended, in the same manner and to the same extent as if such transportation facilities were privately owned and operated; and all such vessels while operated and employed solely as merchant vessels shall be subject to all other laws, regulations, and liabilities governing merchant vessels, whether the United States is interested therein as owner, in whole or in part, or holds any mortgage, lien, or interest therein. For the performance of the duties imposed by this section the Secretary of War is authorized to appoint or employ such number of experts, clerks, and other employees as may be necessary for service in the District of Columbia or elsewhere, and as may be provided for by Congress. (Mar. 4, 1921, sec. 1.)

## Inland Waterways Corporation.

June 3, 1924, sec. 1 (49 U. S. C. 151). For the purpose of carrying on the operations of the Government-owned inland canal, and coastwise waterways system to the point where the system can be transferred to private operation to the best advantage of the Government, of carrying out the mandates of Congress prescribed in section 141 of this chapter, and of carrying out the policy enunciated by Congress in the first paragraph of section 142 of this chapter, there is created a corporation, in the District of Columbia, to be known as the Inland Waterways Corporation (hereinafter referred to as the "corporation"). The Secretary of War shall be deemed to be the incorporator, and the incorporation shall be held effected as of June 3, 1924. The Secretary of War shall govern and direct the corporation in the exercise of the functions vested in it by this subdivision of this chapter.

## Capital Stock.

June 3, 1924, sec. 2 (49 U. S. C. 152). The capital stock of the corporation shall be \$15,000,000, all of which is hereby subscribed for by the United States. Such subscription shall be paid by the Secretary of the Treasury, within the appropriations therefor, upon call from time to time by the Secretary of War. Upon any such payment a receipt therefor shall be issued by the corporation to the United States, and delivered to the Secretary of the Treasury, and shall be evidence of the stock ownership of the United States. There is hereby authorized to be appropriated the sum of \$10,000,000, in addition to the \$5,000,000 heretofore authorized, for the purpose of paying such subscription. (May 29, 1928, sec. 1.)

# Operation of Transportation and Terminal Facilities; Application of Other Laws.

June 3, 1924, sec. 3 (49 U. S. C. 153). (a) Until otherwise directed by Congress, the corporation shall continue the operation of the transportation and terminal facilities now being operated by or under the direction of the Secretary of War under section 201 of the

Transportation Act, 1920 [49 U. S. C. 141], as amended, and shall continue to operate the facilities now being operated or that may hereafter be operated by it under the provisions of this Act; and shall, as soon as there is an improved channel sufficient to permit the same, initiate and continue the water carriage heretofore author-

ized by law upon the Mississippi River above St. Louis.

(b) When the improvement of any tributary or connecting waterway of the Mississippi River, not including the Ohio River, shall have been completed or advanced to the point where within two years thereafter there will have been substantially completed a sufficient and dependable channel for the safe operation of suitable barges and towboats thereon; and when the Chief of Engineers of the United States Army shall certify that fact to the Secretary of War, the Secretary of War shall thereupon cause a survey of such tributary or connecting waterway to be made for the purpose of ascertaining the amount of traffic, the terminal facilities, and the through routes and joint tariff arrangements with connecting carriers, that are or will, within such years, probably be available on such tributary or connecting waterway. As soon thereafter as such survey shall have been completed and a sufficient and dependable channel for the safe operation of suitable barges and towboats shall have been substantially completed, the Secretary of War may, if he finds from such survey that water transportation can, in the public interest, be successfully operated on such tributary or connecting waterway, extend the service of the Inland Waterways Corporation thereon as soon as the corporation shall have suitable facilities available therefor.

(c) It is hereby declared to be the policy of the Congress to continue the transportation services of the corporation until (1) there shall have been completed in the rivers where the corporation operates, navigable channels, as authorized by Congress, adequate for reasonably dependable and regular transportation service thereon; (2) terminal facilities shall have been provided on such rivers reasonably adequate for joint rail and water service; (3) there shall have been published and filed under the provisions of the Interstate Commerce Act, as amended, such joint tariffs with rail carriers as shall make generally available the privileges of joint rail and water transportation upon terms reasonably fair to both rail and water carriers; and (4) private persons, companies, or corporations engage, or are ready and willing to engage, in common-carrier service on such

rivers.

(d) When the Secretary of War shall find that navigable channels and adequate terminals are substantially available as provided in paragraph (c) of this section, and when the Interstate Commerce Commission shall report to the Secretary of War that joint tariffs with rail carriers have been published and filed as provided in said paragraph, the Secretary of War is hereby authorized to lease for operation under private management, or to sell to private persons, companies, or corporations, the transportation facilities, or any unit thereof, belonging to the corporation: *Provided*, That for the purpose of this paragraph the facilities of the corporation on the Mississippi River and its tributaries shall be considered one unit, and those on the Warrior River and its tributaries as one unit: *Provided further*,

That the facilities of the corporation shall not be sold or leased (1) to any carrier by rail or to any person or company directly or indirectly connected with any carrier by rail; or (2) to any person, company, or corporation who shall not give satisfactory assurance and agree, as part of the consideration for such sale or lease, that the facilities so sold or leased will be continued in the common-carrier service in a manner substantially similar to the service rendered by the corporation, together with ample security by bond or otherwise to insure the faithful performance of such agreement; or (3) until the same has been appraised and the fair value thereof ascertained and reported to the President by the Interstate Commerce Commission, and the

sale or lease thereof has been approved by the President. (e) Any person, firm, or corporation, including the Inland Waterways Corporation, engaged or about to engage in conducting a common-carrier service upon the Warrior, Mississippi, Columbia, Snake, Sacramento, San Joaquin, or Savannah rivers, or any tributaries thereof, may apply to the Interstate Commerce Commission and obtain a certificate of public convenience and necessity in accordance with the provisions of section 1 of the Interstate Commerce Act, as amended, and the Interstate Commerce Commission shall thereupon, by order, direct all connecting common carriers and their connections to join with such water carrier in through routes and joint rates with reasonable rules, regulations, and practices, as provided in paragraph (3) of section 15 of the Interstate Commerce Act, as amended, and the commission shall, in such order, fix reasonable minimum differentials between all rail rates and joint rates in connection with said water service to apply until changed by order of the commission. Such joint routes, rates, rules, regulations, and practices may be changed by order of the commission or by agreement of the water carriers and the other participating car-The commission shall further require the interested common carriers to enter into negotiations for the purpose of establishing equitable divisions of the aforesaid joint differential rates within thirty days after such joint rates are established, and if the carriers are unable to agree upon equitable divisions within one hundred and twenty days from date of publication the commission shall, by order, determine and establish reasonable divisions to become effective coincident with the effective date of the joint rates. mission is hereby given authority upon complaint, at once, and if it so orders without answer or other formal pleading by the interested carrier or carriers, but upon reasonable notice, to enter upon a hearing concerning (1) the reasonableness or lawfulness of any through route or joint rate filed pursuant to such order of the commission, or (2) the reasonableness of any minimum differentials between all rail rates and joint rates in connection with any water service; or (3) the reasonableness of any division of joint rates ordered by the commission under the provisions of this Act; and after full hearings the commission may make such order with reference to any such matters as it may find to be proper and in the public interest. At any such hearing the burden of proof concerning the unreasonableness or unlawfulness of any through route, joint rate, minimum differentials between all rail rate and joint rate in

connection with water service, or division of joint rates shall be

upon the carrier or carriers making the complaint; and the commission shall give the hearing and decision of such questions preference over all other questions pending before it, except such questions as are given like preference by law, and decide the same as speedily as possible: *Provided*, That if the Inland Waterways Corporation sells or leases its transportation facilities to any person, firm, or corporation to be operated as a common carrier, such person, firm, or corporation shall be entitled to a certificate of public convenience and necessity upon making application therefor; and all through traffic arrangements and joint tariffs with rules, regulations, and practices in connection therewith published by the Inland Waterways Corporation and filed with the Interstate Commerce Commission and participated in by other carriers shall remain in full force and effect between such carriers and the person, firm, or corporation purchasing or leasing such transportation facilities from the Inland Waterways Corporation and operating the same as common carriers until changed by order of the commission, except that such throughtraffic arrangements and joint tariffs, with rules, regulations, and practices therewith, may be changed by mutual consent of the water carrier and the other participating carriers. Joint rail and water rates as herein used shall be deemed to include every movement of traffic in which a water line can participate.

(f) The operation of the transportation and terminal facilities under this Act shall be subject to the provisions of the Interstate Commerce Act, as amended, and to the provisions of the Shipping Act, 1916, as amended, in the same manner and to the same extent as if such facilities were privately owned and operated; and all vessels of the corporation operated and employed solely as merchant vessels shall be subject to all other laws, regulations, and liabilities governing merchant vessels. (May 29, 1928, sec. 2; June 16, 1934;

Aug. 29, 1935.)

## Chapter XLII.—NORTHERN PACIFIC HALIBUT ACT

Title.

June 28, 1937, sec. 1 (16 U. S. C. 772). This Act may be cited as the "Northern Pacific Halibut Act of 1937".

#### Definitions.

June 28, 1937, sec. 2 (16 U. S. C. 772a). When used in this Act—
(a) Convention: The word "Convention" means the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, signed at Ottawa on the 29th day of January 1937, and shall include the regulations of the International Fisheries Commission promulgated thereunder.

(b) Commission: The word "Commission" means the International Fisheries Commission provided for by article III of the Con-

vention.

(c) Person: The word "person" includes partnerships, associations,

and corporations.

(d) Territorial waters of the United States: The term "Territorial waters of the United States" means the Territorial waters contiguous to the western coast of the United States and the territorial waters contiguous to the southern and western coasts of Alaska.

(e) Territorial waters of Canada: The term "territorial waters of Canada" means the territorial waters contiguous to the western coast

of Canada.

(f) Convention waters: The term "Convention waters" means the territorial waters of the United States, the territorial waters of Canada, and the high seas of the Northern Pacific Ocean and the Bering Sea, extending westerly from the limits of the territorial waters of the United States and of Canada.

(g) Halibut: The word "halibut" means the species of Hippo-

glossus inhabiting Convention waters.

(h) Vessel: The word "vessel" includes every description of water craft or other contrivance used, or capable of being used, as a means of transportation in water.

## Acts Unlawful.

June 28, 1937, sec. 3 (16 U. S. C. 772b). It shall be unlawful for—

(a) any person other than a national or inhabitant of the United States to catch or attempt to catch any halibut in the territorial

waters of the United States;

(b) any person to transfer to or to receive upon any vessel of the United States, or to bring to any place within the jurisdiction of the United States any halibut caught in Convention waters by the use of any vessel of a nation not a party to the Convention, or caught in Convention waters by any national or inhabitant of the United States or Canada in violation of the Convention or of this Act;

(c) any national or inhabitant of the United States to catch, attempt to catch, or to possess any halibut in the territorial waters of the United States or in Convention waters in violation of any

provision of the Convention or of this Act;

(d) any person within the territory or jurisdiction of the United States to furnish, prepare, outfit, or provision any vessel, other than a vessel of the United States or Canada, in connection with any voyage during which such vessel is intended to be, is being, or has been employed in catching, attempting to catch, or possessing any halibut in Convention waters or the territorial waters of the United States or Canada;

(e) any person within the territory or jurisdiction of the United States to furnish, prepare, outfit, or provision any vessel of the United States or Canada in connection with any voyage during which such vessel is intended to be, is being, or has been employed in catching, attempting to catch, or possessing any halibut in violation of any provision of the Convention or of this Act;

(f) any person within the territory or jurisdiction of the United States or any national or inhabitant of the United States within Convention waters knowingly to have or have had in his possession any halibut taken, transferred, received, or brought in in violation of any provision of the Convention or of this Act;

(g) any person to depart from any place within the jurisdiction of the United States in any vessel which departs from such place

in violation of the Convention or of this Act;

(h) any person in the territorial waters of the United States or any national or inhabitant of the United States in Convention waters to catch or attempt to catch any halibut, or to possess any halibut caught incidentally to fishing for other species of fish by the use of or in any vessel required by the Convention to have on board any license or permit unless such vessel shall have on board a license or permit which shall comply with all applicable requirements of the Convention, and which shall be available for inspection at any time by any officer authorized to enforce the Convention or by any representative of the Commission;

(i) any person to take, retain, land, or possess any halibut caught incidentally to fishing for other species of fish, in violation of any

provision of the Convention or of this Act.

Records and Reports of Master or Owner.

June 28, 1937, sec. 4 (16 U. S. C. 772c). It shall be unlawful for the master or owner or person in charge of any vessel or any other person required by the Convention to make, keep, or furnish any record or report, to fail to do so, or to refuse to permit any officer authorized to enforce the Convention or any representative of the Commission to examine and inspect any such record or report at any

Enforcement; Arrest and Seizure; Detention; Testimony of Officers.

June 28, 1937, sec. 5 (16 U. S. C. 772d). (a) The provisions of the Convention and of this Act and any regulations issued under this Act shall be enforced by the Coast Guard, the Customs Service, and the Bureau of Fisheries. For such purposes any officer of the Coast Guard, Customs, or Fisheries may at any time go on board of any vessel in territorial waters of the United States, or any vessel of the United States or Canada in Convention waters, except in the territorial waters of Canada, to address inquiries to those on board and to examine, inspect, and search the vessel and every part thereof and any person, trunk, package, or cargo on board, and to this end may hail and stop such vessel, and use all necessary force to compel

(b) Whenever it appears to any such officer that any person, other than a national or inhabitant of Canada, on any vessel of the United States is violating or has violated any provision of the Convention or of this Act, he shall arrest such person and seize any such vessel employed in such violation. If any such person on any such vessel of the United States is a national or inhabitant of Canada, such person shall be detained and shall be delivered as soon as practicable to an authorized officer of Canada at the Canadian port or place nearest to the place of detention or at such other port or place as such

officers of the United States and of Canada may agree upon.

(c) Whenever it appears to any such officer of the United States that any person, other than a national or inhabitant of the United States, on any vessel of Canada in Convention waters, except in the territorial waters of Canada, is violating or has violated any provision of the Convention, such person, and any such vessel employed in such violation, shall be detained and such person and such vessel shall be delivered as soon as practicable to an authorized officer of Canada at the Canadian port or place nearest to the place of detention, or at such other port or place as such officers of the United States and of Canada may agree upon. If any such person on any such vessel of Canada is a national or inhabitant of the United States, such person shall be arrested as provided for in subsection (b) of this section.

(d) Officers or employees of the Coast Guard, Customs, and Fisheries may be directed to attend as witnesses and to produce such available records and files or certified copies thereof as may be produced compatibly with the public interest and as may be considered essential to the prosecution in Canada of any violation of the provisions of the Convention or any Canadian law for the enforcement thereof when requested by the appropriate Canadian authorities in the manner prescribed in article V of the Convention to suppress smuggling concluded between the United States and Canada on June 6, 1924 (44 Stat. (pt. 3), 2097).

#### Penalties and Forfeitures.

JUNE 28, 1937, sec. 6 (16 U. S. C. 772e). (a) Any person violating any provision of section 3 of this Act upon conviction shall be fined not more than \$1,000 nor less than \$100 or be imprisoned for not more than one year, or both.

(b) The cargo of halibut of every vessel employed in any manner in connection with the violation of any provision of section 3 of this Act shall be forfeited; upon a second violation of the provisions of section 3 of this Act, every such vessel, including its tackle, apparel, furniture, and stores may be forfeited and the cargo of halibut of every such vessel shall be forfeited; and, upon a third or subsequent

violation of the provisions of section 3 of this Act, every such vessel, including its tackle, apparel, furniture, cargo, and stores shall be forfeited.

(c) All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this Act, insofar as such provisions of law are applicable and not inconsistent with the provisions of this Act: Provided, That except as provided in section 5 hereof all rights, powers, and duties conferred or imposed by this Act upon any officer or employee of the Treasury Department shall, for the purposes of this Act, be exercised or performed by the Secretary of Commerce or by such persons as he may designate.

### Penalties Relative to Records and Reports.

JUNE 28, 1937, sec. 7 (16 U. S. C. 772f). Any person violating section 4 of this Act shall be subject to a penalty of \$50 for each such violation. The Secretary of Commerce is authorized and empowered to mitigate or remit any such penalty in the manner prescribed by law for the mitigation or remission of penalties for violation of the navigation laws.

### Exemption of Commission.

June 28, 1937, sec. 8 (16 U.S.C.772g). None of the prohibitions contained in this Act shall apply to the Commission or its agents when engaged in any scientific investigation.

## Rules and Regulations.

June 28, 1937, sec. 9 (16 U. S. C. 772h). The Secretary of the Treasury and the Secretary of Commerce are authorized to make such joint rules and regulations as may be necessary to carry out the provisions of this Act.

#### Effective Date.

June 28, 1937, sec. 10 (16 U. S. C. 772i). This Act shall take effect on the date of exchange of ratifications of the Convention signed by the United States of America and Canada, on January 29, 1937, for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, unless such date shall be prior to the date of approval of this Act in which case it shall take effect immediately.

### Chapter XLIII.—THE WHALING TREATY ACT

Title.

May 1, 1936, sec. 1 (16 U. S. C. 901). This Act shall be known by the short title of "The Whaling Treaty Act."

Right Whales and Young of Any Whale; Hunting, Etc., Prohibited Except Under Regulations.

May 1, 1936, sec. 2 (16 U. S. C. 902). That unless and except as permitted by regulations made as hereinafter provided, it shall be unlawful to hunt, take, capture, kill, attempt to take, capture, or kill, possess, offer for sale, sell, offer to purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation, or carriage, import or export at any time or in any manner, any right whale, or the young of any whale, excepting dolphins and porpoises; or to sell, purchase, ship, transport by any means whatever, import, or export the products of any right whale, including oil, meat, bone, meal, or fertilizer.

Calves or Females Accompanied by Calves.

MAY 1, 1936, sec. 3 (16 U. S. C. 903). That it shall be unlawful to kill at any time any calves or any female whales accompanied by calves or suckling whales, protected by article 5 of the Convention for the regulation of whaling, concluded at Geneva, September 24, 1931, signed on the part of the United States March 31, 1932.

"Right Whales" and "Calves" Defined.

MAY 1, 1936, sec. 4 (16 U. S. C. 904). That for the purposes of this act, right whales shall be deemed to include North Atlantic or North Cape whales, Greenland or Bowhead whales, and Pacific right whales; calves or suckling whales shall be deemed to include whales having a length less than the following dimensions: Blue or sulphurbottom, 60 feet; finbacks, 50 feet; and humpbacks, 35 feet.

Regulations for Whaling; Statistical and Biological Data.

May 1, 1936, sec. 5 (16 U. S. C. 905). That subject to the provisions and in order to carry out the purposes of the Convention, the Secretary of the Treasury and the Secretary of Commerce are authorized and directed from time to time to determine when, to what extent if at all, and by what means it is compatible with the terms of the Convention to allow hunting, taking, capturing, killing, possession, sale, purchase, shipment, transportation, carriage, import, or export of any whale or the product of any whale protected by said Convention and to make the necessary joint regulations therefor.

Any regulation made under the provisions of this act shall become

effective when approved by the President.

The Secretary of Commerce is hereby authorized and directed to assemble and collate the statistical and biological data submitted as required by this act or any regulation made pursuant thereto, and

is further authorized and directed to conduct such statistical and biological studies as may be necessary to carry out the terms and provisions of said Convention and this act.

#### Utilization of Carcass.

May 1, 1936, sec. 6 (16 U. S. C. 906). That the fullest possible use shall be made of the carcass of every whale taken by extracting the oil by boiling, or otherwise, from all blubber, from the head, the tongue, and from the tail as far forward as the outer opening of the lower intestines; and when whales are brought on shore adequate provision shall be made for utilizing the residue after the oil has been extracted.

## Gray Whales; Killing Whales for Sport; Prohibited.

MAY 1, 1936, sec. 7 (16 U. S. C. 907). That it shall be unlawful for any person, association, partnership, or corporation or for the owners of any vessel of American registry to kill a gray whale at any time, or to kill any whale wantonly, for sport, or without utilizing the carcass.

### Licenses; Applications; Fees.

May 1, 1936, sec. 8 (16 U. S. C. 908). That before engaging in whaling, any person, association, partnership, or corporation shall obtain a whaling license from the Secretary of Commerce for each vessel or other craft engaged in the taking and killing of whales and for each floating reduction ship, shore whaling station, or other plant used in the processing of whales. In making application for such license the applicant shall:

(a) furnish evidence of having adequate equipment for utilization

of the whale as provided in section 6 of this act;

(b) agree to engage crews and gunners of whaling vessels on some

basis not solely on number of whales taken;

(c) provide for keeping accurate records of the catch, any biological data necessary, and statistical records of production required

by the Secretary of Commerce;

(d) pay a fee of \$1,000 for a license good for one year from date of issue for each floating reduction ship, shore whaling station, or other plant used in processing whales, and a fee of \$250 for each vessel or other craft in excess of two engaged in the taking of whales in connection with any one such ship, station, or plant, and all moneys received for licenses shall be covered into the Treasury of the United States.

# Enforcement of Act; Seizure and Forfeiture of Vessels.

May 1, 1936, sec. 9 (16 U. S. C. 909). That the provisions of this act or any regulations thereof shall be enforced primarily by the Coast Guard and the Bureau of Customs. The Secretary of the Treasury is hereby authorized when necessary to request assistance of the Secretary of the Navy, and the Secretary of the Navy may, upon request, cooperate in the enforcement of this act. Any commander of a Coast Guard, customs, or naval vessel, who shall find a whaling vessel of United States registry violating this act, shall have authority to seize such vessel and order it conveyed at the expense of the owners to the nearest port of the United States, and shall also have authority, in his discretion, in lieu of seizure, to impose on and collect from the commanding officer of such whaling

vessel a forfeiture of \$2,500, which forfeiture shall be reported and paid forthwith to the United States district court of the district in which is situated any port to which such whaling vessel might be conveyed for action under the terms of this act: *Provided*, That within six months after payment of forfeiture the person or persons making such payment may institute proceedings in said district court to recover said forfeiture, less costs, on satisfactory proof said vessel did not violate any provision of this act or any regulation made pursuant thereto. In the event of the seizure and conveyance to port, such vessel, including its apparel, may be forfeited to the United States by proper proceedings in the United States district court of the said district.

## Arrests, Searches, and Seizures; Forfeiture of Seized Whales.

May 1, 1936, sec. 10 (16 U.S. C. 910). That any employee of the Treasury Department, authorized by the Secretary of the Treasury to enforce the provisions of this act, shall have power without warrant to arrest any person committing a violation of this act or any regulation made pursuant thereto in his presence and to take such person for examination or trial before an officer or court of competent jurisdiction, shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this act or any regulation made pursuant thereto, and shall have authority, with a search warrant, to search any place. All whales or parts or products thereof captured, shipped, transported, carried, imported, or possessed contrary to the provisions of this act, or of any regulations made pursuant thereto, shall, when found, be seized by any such employee or by any marshal, deputy marshal, or commander of a Coast Guard, customs, or naval vessel, and upon conviction of the offender, or upon judgment of a court of the United States that the same were captured, shipped, transported, carried, imported, or possessed contrary to the provisions of this act, or of any regulations made pursuant thereto, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction.

# Violations; Fines and Penalties.

May 1, 1936, sec. 11 (16 U. S. C. 911). That any person, association, partnership, or corporation who shall violate any of the provisions of said Convention, or of this act, or who shall violate or fail to comply with any regulation made pursuant to this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be deprived of his license and shall be fined not more than \$10,000 or imprisoned not more than six months, or both.

#### State and Territorial Laws.

MAY 1, 1936, sec. 12 (16 U. S. C. 912). That nothing in this act shall be construed to prevent the several States and Territories from making or enforcing laws or regulations not inconsistent with the provisions of said Convention or of this act, or from making or enforcing laws or regulations which shall give further protection to whales or their young, or which shall regulate the possession, transportation, or sale of whale products of any kind.

Natives or Eskimos; When Permitted to Engage in Whaling.

MAY 1, 1936, sec. 13 (16 U. S. C. 913). Nothing in this act or in the regulations thereof shall apply to natives or Eskimos engaged in whaling who use only canoes or other native craft propelled by oars or sails, do not carry firearms, are not employed by others than natives or Eskimos, and are not under contract to deliver products of their whaling to any third person.

Separability Clause.

May 1, 1936, sec. 14 (16 U. S. C. 914). That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

## Appropriations.

May 1, 1936, sec. 15 (16 U.S. C. 915). There is hereby authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions and accomplish the purposes of this act and said Convention.

### Chapter XLIV.—NEUTRALITY

Accepting Commission to Serve Against Friendly Power.

R. S. 5281 (18 U. S. C. 21). Every citizen of the United States who, within the territory or jurisdiction thereof, accepts and exercises a commission to serve a foreign prince, State, colony, district, or people, in war, by land or by sea, against any prince, State, colony, district, or people, with whom the United States are at peace, shall be fined not more than \$2,000 and imprisoned not more than three years. (Mar. 4, 1909, sec. 9.)

Enlisting in Foreign Service; Exception.

R. S. 5282 (18 U. S. C. 22). Whoever, within the territory or jurisdiction of the United States, enlists or enters himself, or hires or retains another person to enlist or enter himself, or to go beyond the limits of jurisdiction of the United States with intent to be enlisted or entered in the service of any foreign prince, State, colony district, or people as a soldier or as a marine or seaman on board of any vessel of war, letter of marque, or privateer shall be fined not more than \$1,000 and imprisoned not more than three years, Provided, That this section shall not apply to citizens or subjects of any country engaged in war with a country with which the United States is at war, unless such citizen or subject of such foreign country shall hire or solicit a citizen of the United States to enlist or go beyond the jurisdiction of the United States with intent to enlist or enter the service of a foreign country. Enlistments under this proviso shall be under regulations prescribed by the Secretary of War. (Mar. 4, 1909, sec. 10; May 7, 1917.)

Arming Vessel Against Friendly Powers.

R. S. 5283 (18 U. S. C. 23). Whoever, within the territory or jurisdiction of the United States, fits out and arms, or attempts to fit out and arm, or procures to be fitted out and armed, or knowingly is concerned in the furnishing, fitting out, or arming of any vessel, with intent that such vessel shall be employed in the service of any foreign prince, or State, or of any colony, district, or people, to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or State, or of any colony, district, or people, with whom the United States are at peace, or whoever issues or delivers a commission within the territory or jurisdiction of the United States for any vessel, to the intent that she may be so employed, shall be fined not more than \$10,000 and imprisoned not more than three years. And every such vessel, her tackle, apparel, and furniture, together with all materials, arms, ammunition, and stores which may have been procured for the building and equipment thereof, shall be forfeited; one half to the use of the informer and the other half to the use of the United States. (Mar. 4, 1909, sec. 11.)

Arming Vessel to Cruise Against Citizens.

R. S. 5284 (18 U. S. C. 494). Whoever, being a citizen of the United States, without the limits thereof, fits out and arms, or attempts to fit out and arm, or procures to be fitted out and armed, or knowingly aids or is concerned in furnishing, fitting out, or arming, any private vessel of war or privateer, with intent that such vessel shall be employed to cruise or commit hostilities upon the citizens of the United States, or their property, or whoever takes the command of or enters on board of any such vessel, for such intent, or who purchases any interest in any such vessel with a view to share in the profits thereof, shall be fined not more than \$10,000 and imprisoned not more than 10 years. The trial for such offense, if committed without the limits of the United States, shall be in the district in which the offender shall be apprehended or first brought. (Mar. 4, 1909, sec. 303.)

Augmenting Force of Foreign Armed Vessel.

R. S. 5285 (18 U. S. C. 24). Whoever, within the territory or jurisdiction of the United States, increases or augments, or procures to be increased or augmented, or knowingly is concerned in increasing or augmenting, the force of any ship of war, cruiser, or other armed vessel which, at the time of her arrival within the United States, was a ship of war, or cruiser, or armed vessel, in the service of any foreign prince or State, or of any colony, district, or people, or belonging to the subjects or citizens of any such prince or State, colony, district, or people, the same being at war with any foreign prince or State, or of any colony, district, or people, with whom the United States are at peace, by adding to the number of the guns of such vessel, or by changing those on board of her for guns of a larger caliber, or by adding thereto any equipment solely applicable to war, shall be fined not more than \$1,000 and imprisoned not more than one year. (Mar. 4, 1909, sec. 12.)

Organizing Naval Expedition Against Friendly Power.

R. S. 5286 (18 U. S. C. 25). Whoever, within the territory or jurisdiction of the United States or of any of its possessions, knowingly begins or sets on foot or provides or prepares a means for or furnishes the money for, or who takes part in, any military or naval expedition or enterprise to be carried on from thence against the territory or dominion of any foreign prince or State, or of any colony, district, or people with whom the United States is at peace, shall be fined not more than \$3,000 or imprisoned not more than three years or both. (Mar. 4, 1909, sec. 13; June 15, 1917, Title V, sec. 8.)

Enforcement by Courts.

R. S. 5287 (18 U. S. C. 26). The district courts shall take cognizance of all complaints, by whomsoever instituted, in cases of captures made within the waters of the United States, or within a marine league of the coasts or shores thereof. In every case in which a vessel is fitted out and armed, or attempted to be fitted out and armed, or in which the force of any vessel of war, cruiser, or other armed vessel is increased or augmented, or in which any military expedition or enterprise is begun or set on foot, contrary to the provisions and prohibitions of this chapter; and in every case of the capture of a vessel

within the jurisdiction or protection of the United States as before defined; and in every case in which any process issuing out of any court of the United States is disobeyed or resisted by any person having the custody of any vessel of war, cruiser, or other armed vessel of any foreign prince or State, or of any colony, district, or people, or of any subjects or citizens of any foreign prince or State, or of any colony, district, or people, it shall be lawful for the President. or such other person as he shall have empowered for that purpose. to employ such part of the land or naval forces of the United States, or of the militia thereof, for the purpose of taking possession of and detaining any such vessel, with her prizes, if any, in order to enforce the execution of the prohibitions and penalties of this chapter, and the restoring of such prizes in the cases in which restorations shall be adjudged; and also for the purpose of preventing the carrying on of any such expedition or enterprise from the territory or jurisdiction of the United States against the territory or dominion of any foreign prince or State, or of any colony, district, or people with whom the United States are at peace. (Mar. 4, 1909, sec. 14.)

## Compelling Foreign Vessels to Depart.

R. S. 5288 (18 U. S. C. 27). It shall be lawful for the President to employ such part of the land or naval forces of the United States, or of the militia thereof, as he may deem necessary to compel any foreign vessel to depart from the United States or any of its possessions in all cases in which, by the law of nations or the treaties of the United States, it ought not to remain, and to detain or prevent any foreign vessel from so departing in all cases in which by the law of nations or the treaties of the United States, it is not entitled to depart. (Mar. 4, 1909, sec. 15; June 15, 1917, Title V. sec. 10.)

# Bonds From Armed Vessels on Clearing.

R. S. 5289 (18 U. S. C. 28). The owners or consignees of every armed vessel sailing out of the ports of, or under the jurisdiction of, the United States, belonging wholly or in part to citizens thereof, shall, before clearing out the same, give bond to the United States, with sufficient sureties, in double the amount of the value of the vessel and cargo on board, including her armament, conditioned that the vessel shall not be employed by such owners to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or State, or of any colony, district, or people, with whom the United States are at peace. (Mar. 4, 1909, sec. 16.)

# Detention by Collector of Customs.

R. S. 5290 (18 U. S. C. 29). The several collectors of the customs shall detain any vessel manifestly built for warlike purposes, and about to depart the United States, or any place subject to the jurisdiction thereof, the cargo of which principally consists of arms and munitions of war, when the number of men shipped on board, or other circumstances, render it probable that such vessel is intended to be employed by the owners to cruise or commit hostilities upon the subjects, citizens, or property of any foreign prince or State, or of any colony, district, or people with whom the United States are at peace, until the decision of the President is had thereon, or until the owner gives such bond and security as is required of the owners of armed vessels by the preceding section. (Mar. 4, 1909, sec. 17.)

### Construction of Chapter.

R. S. 5291 (18 U. S. C. 30). The provisions of this chapter shall not be construed to extend to any subject or citizen of any foreign prince, State, colony, district, or people who is transiently within the United States and enlists or enters himself on board of any vessel of war, letter of marque, or privateer, which at the time of its arrival within the United States was fitted and equipped as such, or hires or retains another subject or citizen of the same foreign prince, State, colony, district, or people who is transiently within the United States to enlist or enter himself to serve such foreign prince, State, colony, district, or people on board such vessel of war, letter of marque, or privateer, if the United States shall then be at peace with such foreign prince, State, colony, district, or people. Nor shall they be construed to prevent the prosecution or punishment of treason, or of any piracy defined by the laws of the United States. (Mar. 4, 1909, sec. 18.)

### Enforcement of Neutrality; Withholding Clearance.

June 15, 1917, title V, sec. 1 (18 U. S. C. 31.) During a war in which the United States is a neutral nation, the President, or any person thereunto authorized by him, may withhold clearance from or to any vessel, domestic or foreign, which is required by law to secure clearance before departing from port or from the jurisdiction of the United States, or, by service of formal notice upon the owner, master, or person in command or having charge of any domestic vessel not required by law to secure clearances before so departing, to forbid its departure from port or from the jurisdiction of the United States, whenever there is reasonable cause to believe that any such vessel, domestic or foreign, whether requiring clearance or not, is about to carry fuel, arms, ammunition, men, supplies, dispatches, or information to any warship, tender, or supply ship of a foreign belligerent nation in violation of the laws, treaties, or obligations of the United States under the law of nations; and it shall thereupon be unlawful for such vessel to depart.

### Detention of Armed Vessels.

June 15, 1917, title V, sec. 2 (18 U. S. C. 32). During a war in which the United States is a neutral nation, the President, or any person thereunto authorized by him, may detain any armed vessel owned wholly or in part by American citizens, or any vessel, domestic or foreign (other than one which has entered the ports of the United States as a public vessel), which is manifestly built for warlike purposes or has been converted or adapted from a private vessel to one suitable for warlike use, until the owner or master, or person having charge of such vessel, shall furnish proof satisfactory to the President, or to the person duly authorized by him, that the vessel will not be employed by the said owners, or master, or person having charge thereof, to cruise against or commit or attempt to commit hostilities upon the subjects, citizens, or property of any foreign prince or State, or of any colony, district, or people with which the United States is at peace, and that the said vessel will not be sold or delivered to any belligerent nation, or to any agent, officer, or citizen of such nation, by them or any of them, within the jurisdiction of the United States, or, having left that jurisdiction, upon the high seas.

### Sending Out Armed Vessel.

June 15, 1917, title V, sec. 3 (18 U. S. C. 33). During a war in which the United States is a neutral nation, it shall be unlawful to send out of the jurisdiction of the United States any vessel built, armed, or equipped as a vessel of war, or converted from a private vessel into a vessel of war, with any intent or under any agreement or contract, written or oral, that such vessel shall be delivered to a beligerent nation, or to an agent, officer, or citizen of such nation, or with reasonable cause to believe that the said vessel shall or will be employed in the service of any such beligerent nation after its departure from the jurisdiction of the United States.

## Statement From Master Cargo Will Not Be Delivered to Other Vessels.

June 15, 1917, title V, sec. 4 (18 U. S. C. 34). During a war in which the United States is a neutral nation, in addition to the facts required by sections 4197, 4198, and 4200 of the Revised Statutes to be set out in the masters' and shippers' manifests before clearance will be issued to vessels bound to foreign ports, each of which sections of the Revised Statutes is hereby declared to be and is continued in full force and effect, every master or person having charge or command of any vessel, domestic or foreign, whether requiring clearance or not, before departure of such vessel from port shall deliver to the collector of customs for the district wherein such vessel is then located a statement duly verified by oath, that the cargo or any part of the cargo is or is not to be delivered to other vessels in port or to be transshipped on the high seas and, if it is to be so delivered or transshipped, stating the kind and quantities and the value of the total quantity of each kind of article so to be delivered or transshipped, and the name of the person, corporation, vessel, or government to whom the delivery or transshipment is to be made; and the owners, shippers, or consignors of the cargo of such vessel shall in the same manner and under the same conditions deliver to the collector like statements under oath as to the cargo or the parts thereof laden or shipped by them, respectively.

# Forbidding Departure of Vessels.

June 15, 1917, title V, sec. 5 (18 U. S. C. 35). Whenever it appears that the vessel is not entitled to clearance or whenever there is reasonable cause to believe that the additional statements under oath required in the foregoing section are false, the collector of customs for the district in which the vessel is located may, subject to review by the Secretary of Commerce, refuse clearance to any vessel, domestic or foreign, and by formal notice served upon the owners, master, or person or persons in command or charge of any domestic vessel for which clearance is not required by law, forbid the departure of the vessel from the port or from the jurisdiction of the United States; and it shall thereupon be unlawful for the vessel to depart.

# Unlawful Taking of Vessel out of Port.

June 15, 1917, title V, sec. 6 (18 U. S. C. 36). Whoever, in violation of any of the provisions of this Title, shall take, or attempt to conspire to take, or authorize the taking of any such vessel, out of port or from the jurisdiction of the United States, shall be fined not more than \$10,000 or imprisoned not more than five years, or both;

and, in addition, such vessel, her tackle, apparel, furniture, equipment, and her cargo shall be forfeited to the United States.

Vessels in Ports of the United States in Time of National Emergency.

June 15, 1917, sec. 1 (50 U.S. C. 191). Whenever the President by proclamation or Executive order declares a national emergency to exist by reason of actual or threatened war, insurrection, or invasion, or disturbance or threatened disturbance of the international relations of the United States, the Secretary of the Treasury may make, subject to the approval of the President, rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, may inspect such vessel at any time, place guards thereon, and, if necessary in his opinion in order to secure such vessels from damage or injury. or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of the rights and obligations of the United States, may take, by and with the consent of the President, for such purposes, full possession and control of such vessel and remove therefrom the officers and crew thereof and all other persons not specially authorized by him to go or remain on board thereof.

Within the territory and waters of the Canal Zone the Governor of the Panama Canal, with the approval of the President, shall exercise all the powers conferred by this section on the Secretary of the

Treasury.

Seizure and Forfeiture of Vessels for Failure to Observe Regulations.

June 15, 1917, sec. 2 (50 U. S. C. 192). If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given by the Secretary of the Treasury or the Governor of the Panama Canal under the provisions of this Title, or obstructs or interferes with the exercise of any power conferred by this Title, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be fined not more than \$10,000, or imprisoned not more than two years, or both.

Destruction of, Injury to, or Improper Use of Vessels.

June 15, 1917, sec. 3 (50 U. S. C. 193). It shall be unlawful for the owner or master or any other person in charge or command of any private vessel, foreign or domestic, or for any member of the crew or other person, within the territorial waters of the United States, willfully to cause or permit the destruction or injury of such vessel or knowingly to permit said vessel to be used as a place of resort for any person conspiring with another or preparing to commit any offense against the United States, or in violation of the treaties of the United States or of the obligations of the United States under the law of nations, or to defraud the United States, or knowingly to permit such vessels to be used in violation of the rights and obligations of the United States under the law of nations; and in case such vessel shall be so used, with the knowledge of the owner or master or other person in charge or command thereof,

the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and whoever violates this section shall be fined not more than \$10,000 or imprisoned not more than two years, or both.

Employment of Army and Navy to Enforce.

June 15, 1917, title II, sec. 4 (50 U.S. C. 194). The President may employ such part of the land or naval forces of the United States as he may deem necessary to carry out the purpose of this Title.

Injuring Vessels Engaged in Foreign Commerce.

June 15, 1917, title III, sec. 1 (18 U. S. C. 502). Whoever shall set fire to any vessel of foreign registry, or any vessel of American registry entitled to engage in commerce with foreign nations, or to any vessel of the United States as defined in section three hundred and ten of the Act of March 4, 1909, entitled "An Act to codify. revise, and amend the penal laws of the United States", or to the cargo of the same, or shall tamper with the motive power or instrumentalities of navigation of such vessel, or shall place bombs or explosives in or upon such vessel, or shall do any other act to or upon such vessel while within the jurisdiction of the United States, or, if such vessel is of American registry, while she is on the high sea, with intent to injure or endanger the safety of the vessel or of her cargo. or of persons on board, whether the injury or danger is so intended to take place within the jurisdiction of the United States, or after the vessel shall have departed therefrom; or whoever shall attempt or conspire to do any such acts with such intent, shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both.

Interference With Foreign Commerce by Violent Means.

June 15, 1917, title IV, sec. 1 (18 U. S. C. 381). Whoever, with intent to prevent, interfere with, or obstruct or attempt to prevent, interfere with, or obstruct the exportation to foreign countries of articles from the United States shall injure or destroy, by fire or explosives, such articles or the places where they may be while in such foreign commerce, shall be fined not more than \$10,000, or imprisoned not more than ten years, or both.

"United States" Defined.

JUNE 15, 1917, title XIII, sec. 1 (18 U. S. C. 381). The term "United States" as used in this Act includes the Canal Zone and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

Seizure of Arms and Other Articles Intended for Export.

June 15, 1917, title VI, sec. 1 (22 U. S. C. 238). Whenever an attempt is made to export or ship from or take out of the United States, any arms or munitions of war, or other articles, in violation of law, or whenever there shall be known or probable cause to believe that any such arms or munitions of war, or other articles, are being or are intended to be exported, or shipped from, or taken out of the United States, in violation of law, the several collectors, naval officers,

surveyors, inspectors of customs, and marshals, and deputy marshals of the United States, and every other person duly authorized for the purpose by the President, may seize and detain any articles or munitions of war about to be exported or shipped from, or taken out of the United States, in violation of law, and the vessels or vehicles containing the same, and retain possession thereof until released or disposed of as hereinafter directed. If upon due inquiry as hereinafter provided, the property seized shall appear to have been about to be so unlawfully exported, shipped from, or taken out of the United States, the same shall be forfeited to the United States.

#### WARRANT FOR DETENTION

June 15, 1917, title VI, sec. 2 (22 U.S. C. 239). It shall be the duty of the person making any seizure under this Title to apply, with due diligence, to the judge of the district court of the United States, or to the judge of the United States district court of the Canal Zone, or to the judge of a court of first instance in the Philippine Islands, having jurisdiction over the place within which the seizure is made, for a warrant to justify the further detention of the property so seized, which warrant shall be granted only on oath or affirmation showing that there is known or probable cause to believe that the property seized is being or is intended to be exported or shipped from or taken out of the United States in violation of law; and if the judge refuses to issue the warrant, or application therefor is not made by the person making the seizure within a reasonable time, not exceeding ten days after the seizure, the property shall forthwith be restored to the owner or person from whom seized. If the judge is satisfied that the seizure was justified under the provisions of this Title and issues his warrant accordingly, then the property shall be detained by the person seizing it until the President, who is hereby expressly authorized so to do, orders it to be restored to the owner or claimant, or until it is discharged in due course of law on petition of the claimant, or on trial of condemnation proceedings, as hereinafter provided.

#### Petition for Restoration

June 15, 1917, title VI, sec. 3 (22 U. S. C. 240). The owner or claimant of any property seized under this Title may, at any time before condemnation proceedings have been instituted, as hereinafter provided, file his petition for its restoration in the district court of the United States, or the district court of the Canal Zone, or the court of first instance in the Philippine Islands, having jurisdiction over the place in which the seizure was made, whereupon the court shall advance the cause for hearing and determination with all possible dispatch, and, after causing notice to be given to the United States attorney for the district and to the person making the seizure, shall proceed to hear and decide whether the property seized shall be restored to the petitioner or forfeited to the United States.

#### LIBEL AND SALE

June 15, 1917, title VI, sec. 4 (22 U. S. C. 241). Whenever the person making any seizure under this Title applies for and obtains a warrant for the detention of the property, and (a) upon the

hearing and determination of the petition of the owner or claimant restoration is denied, or (b) the owner or claimant fails to file a petition for restoration within thirty days after the seizure, the United States attorney for the district wherein it was seized, upon direction of the Attorney General, shall institute libel proceedings in the United States district court or the district court of the Canal Zone or the court of first instance of the Philippine Islands having jurisdiction over the place wherein the seizure was made, against the property for condemnation; and if, after trial and hearing of the issues involved, the property is condemned, it shall be disposed of by sale, and the proceeds thereof, less the legal costs and charges, paid into the Treasury.

## METHOD OF TRIAL; RIGHT TO JURY TRIAL; BOND FOR REDELIVERY

June 15, 1917, title VI, sec. 5 (22 U. S. C. 242). The proceedings in such summary trials upon the petition of the owner or claimant of the property seized, as well as in the libel cases herein provided for, shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such libel cases, and all such proceedings shall be at the suit of and in the name of the United States: Provided, That upon the payment of the costs and legal expenses of both the summary trials and the libel proceedings herein provided for, and the execution and delivery of a good and sufficient bond in an amount double the value of the property seized, conditioned that it will not be exported or used or employed contrary to the provisions of this Title, the court, in its discretion, may direct that it be delivered to the owners thereof or to the claimants thereof.

# General Extent of Interference With Foreign Trade.

June 15, 1917, title VI, sec. 6 (22 U. S. C. 243). Except in those cases in which the exportation of arms and munitions of war or other articles is forbidden by proclamation or otherwise by the President, as provided in section 1 of this Title, nothing herein contained shall be construed to extend to or interfere with any trade in such commodities conducted with any foreign port or place wheresoever, or with any other trade which might have been lawfully carried on before the passage of this Title, under the law of nations, or under the treaties or conventions entered into by the United States, or under the laws thereof.

#### Discretion of President.

June 15, 1917, title VI, sec. 7 (22 U. S. C. 244). Upon payment of the costs and legal expenses incurred in any such summary trial for possession or libel proceedings, the President is hereby authorized, in his discretion, to order the release and restoration to the owner or claimant, as the case may be, of any property seized or condemned under the provisions of this Title.

### Use of Armed Forces in Enforcement.

June 15, 1917, title VI, sec. 8 (22 U. S. C. 245). The President may employ such part of the land or naval forces of the United States as he may deem necessary to carry out the purposes of this Title.

### Neutrality Act, 1939.

### PROCLAMATION OF A STATE OF WAR BETWEEN FOREIGN STATE

Nov. 4, 1939, sec. 1 (22 U. S. C. 245j). (a) That whenever the President, or the Congress by concurrent resolution, shall find that there exists a state of war between foreign states, and that it is necessary to promote the security or preserve the peace of the United States or to protect the lives of citizens of the United States, the President shall issue a proclamation naming the states involved; and he shall, from time to time, by proclamation, name other states as and when they may become involved in the war.

(b) Whenever the state of war which shall have caused the President to issue any proclamation under the authority of this section shall have ceased to exist with respect to any state named in such proclamation, he shall revoke such proclamation with respect to such

state.

### COMMERCE WITH STATES ENGAGED IN ARMED CONFLICT

Nov. 4, 1939, sec. 2 (22 U. S. C. 245j-1). (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a) it shall thereafter be unlawful for any American vessel to carry any passengers or any articles or materials to any state named in

such proclamation.

(b) Whoever shall violate any of the provisions of subsection (a) of this section or of any regulations issued thereunder shall, upon conviction thereof, be fined not more than \$50,000 or imprisoned for not more than five years, or both. Should the violation be by a corporation, organization, or association, each officer or director thereof participating in the violation shall be liable to the penalty

herein prescribed.

(c) Whenever the President shall have issued a proclamation under the authority of section 1 (a) it shall thereafter be unlawful to export or transport, or attempt to export or transport, or cause to be exported or transported, from the United States to any state named in such proclamation, any articles or materials (except copyrighted articles or materials) until all right, title, and interest therein shall have been transferred to some foreign government, agency, institution, association, partnership, corporation, or national. Issuance of a bill of lading under which title to the articles or materials to be exported or transported passes to a foreign purchaser unconditionally upon the delivery of such articles or materials to a carrier, shall constitute a transfer of all right, title, and interest therein within the meaning of this subsection. The shipper of such articles or materials shall be required to file with the collector of the port from or through which they are to be exported a declaration under oath that he has complied with the requirements of this subsection with respect to transfer of right, title, and interest in such articles or materials, and that he will comply with such rules and regulations as shall be promulgated from time to time. Any such declaration so filed shall be a conclusive estoppel against any claim of any citizen of the United States of right, title, or interest in such articles or

materials, if such citizen had knowledge of the filing of such declaration; and the exportation or transportation of any articles or materials without filing the declaration required by this subsection shall be a conclusive estoppel against any claim of any citizen of the United States of right, title, or interest in such articles or materials, if such citizen had knowledge of such violation. No loss incurred by any such citizen (1) in connection with the sale or transfer of right, title, and interest in any such articles or materials or (2) in connection with the exportation or transportation of any such copyrighted articles or materials, shall be made the basis of any claim put forward by the Government of the United States.

(d) Insurance written by underwriters on articles or materials included in shipments which are subject to restrictions under the provisions of this joint resolution, and on vessels carrying such shipments shall not be deemed an American interest therein, and no insurance policy issued on such articles or materials, or vessels, and no loss incurred thereunder or by the owners of such vessels, shall be made the basis of any claim put forward by the Government of the

United States.

(e) Whenever any proclamation issued under the authority of section 1 (a) shall have been revoked with respect to any state the provisions of this section shall thereupon cease to apply with respect to such state, except as to offenses committed prior to such revocation.

(f) The provisions of subsection (a) of this section shall not apply to transportation by American vessels on or over lakes, rivers, and inland waters bordering on the United States, or to transportation by aircraft on or over lands bordering on the United States; and the provisions of subsection (c) of this section shall not apply (1) to such transportation of any articles or materials other than articles listed in a proclamation referred to in or issued under the authority of section 12 (i), or (2) to any other transportation on or over lands bordering on the United States of any articles or materials other than articles listed in a proclamation referred to in or issued under the authority of section 12 (i); and the provisions of subsections (a) and (c) of this section shall not apply to the transportation referred to in this subsection and subsections (g) and (h) of any articles or materials listed in a proclamation referred to in or issued under the authority of section 12 (i) if the articles or materials so listed are to be used exclusively by American vessels, aircraft, or other vehicles in connection with their operation and maintenance.

(g) The provisions of subsections (a) and (c) of this section shall not apply to transportation by American vessels (other than aircraft) of mail, passengers, or any articles or materials (except articles or materials listed in a proclamation referred to in or issued under the authority of section 12 (i)) (1) to any port in the Western Hemisphere south of thirty-five degrees north latitude, (2) to any port in the Western Hemisphere north of thirty-five degrees north latitude and west of sixty-six degrees west longitude, (3) to any port on the Pacific or Indian Oceans, including the China Sea, the Tasman Sea, the Bay of Bengal, and the Arabian Sea, and any other dependent waters of either of such oceans, seas, or bays, or (4) to any port on the Atlantic Ocean or its dependent waters south of thirty degrees north latitude. The exceptions contained in this subsection shall not

apply to any such port which is included within a combat area as

defined in section 3 which applies to such vessels.

(h) The provisions of subsections (a) and (c) of this section shall not apply to transportation by aircraft of mail, passengers, or any articles or materials (except articles or materials listed in a proclamation referred to in or issued under the authority of section 12 (i)) (1) to any port in the Western Hemisphere, or (2) to any port on the Pacific or Indian Oceans, including the China Sea, the Tasman Sea, the Bay of Bengal, and the Arabian Sea, and any other dependent waters of either of such oceans, seas, or bays. The exceptions contained in this subsection shall not apply to any such port which is included within a combat area as defined in section 3 which applies to such aircraft.

(i) Every American vessel to which the provisions of subsections (g) and (h) apply, and every neutral vessel to which the provisions of subsection (1) apply, shall, before departing from a port or from the jurisdiction of the United States, file with the collector of customs of the port of departure, or if there is no such collector at such port then with the nearest collector of customs, a sworn statement (1) containing a complete list of all the articles and materials carried as cargo by such vessel, and the names and addresses of the consignees of all such articles and materials, and (2) stating the ports at which such articles and materials are to be unloaded and the ports of call of such vessel. All transportation referred to in subsections (f), (g), (h), and (l) of this section shall be subject to such restrictions, rules, and regulations as the President shall prescribe; but no loss incurred in connection with any transportation excepted under the provisions of subsections (g), (h), and (l) of this section shall be made the basis of any claim put forward by the Government of the United States.

(j) Whenever all proclamations issued under the authority of section 1 (a) shall have been revoked, the provisions of subsections

(f), (g), (h), (i), and (l) of this section shall expire.

(k) The provisions of this section shall not apply to the current voyage of any American vessel which has cleared for a foreign port and has departed from a port or from the jurisdiction of the United States in advance of (1) the date of enactment of this joint resolution, or (2) any proclamation issued after such date under the authority of section 1 (a) of this joint resolution; but any such vessel shall proceed at its own risk after either of such dates, and no loss incurred in connection with any such vessel or its cargo after either of such dates shall be made the basis of any claim put forward by the Government of the United States.

(1) The Provisions of subsection (c) of this section shall not apply to the transportation by a neutral vessel to any port referred to in subsection (g) of this section of any articles or materials (except articles or materials listed in a proclamation referred to in or issued under the authority of section 12 (i)) so long as such port is not included within a combat area as defined in section 3 which applies

to American vessels.

#### COMBAT AREAS

Nov. 4, 1939, sec. 3 (22 U. S. C. 245j-2). (a) Whenever the President shall have issued a proclamation under the authority of sec-

tion 1 (a), and he shall thereafter find that the protection of citizens of the United States so requires, he shall, by proclamation, define combat areas, and thereafter it shall be unlawful, except under such rules and regulations as may be prescribed, for any citizen of the United States or any American vessel to proceed into or through any such combat area. The combat areas so defined may be made to

apply to surface vessels or aircraft, or both.

(b) In case of the violation of any of the provisions of this section by an American vessel, or any owner or officer thereof, such vessel, owner, or officer shall be fined not more than \$50,000 or imprisoned for not more than five years, or both. Should the owner of such vessel be a corporation, organization, or association, each officer or director participating in the violation shall be liable to the penalty hereinabove prescribed. In case of the violation of this section by any citizen traveling as a passenger, such passenger may be fined not more than \$10,000 or imprisoned for not more than two years, or both.

(c) The President may from time to time modify or extend any proclamation issued under the authority of this section, and when the conditions which shall have caused him to issue any such proclamation shall have ceased to exist he shall revoke such proclamation and the provisions of this section shall thereupon cease to apply,

except as to offenses committed prior to such revocation.

#### AMERICAN RED CROSS

Nov. 4, 1939, sec. 4 (22 U. S. C. 245j-3). The provisions of section 2 (a) shall not prohibit the transportation by vessels under charter or other direction and control of the American Red Cross, proceeding under safe conduct granted by states named in any proclamation issued under the authority of section 1 (a), of officers and American Red Cross personnel, medical personnel, and medical supplies, food, and clothing, for the relief of human suffering.

# TRAVEL ON VESSELS OF BELIGERENT STATES

Nov. 4, 1939, sec. 5 (22 U. S. C. 245j-4). (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a) it shall thereafter be unlawful for any citizen of the United States to travel on any vessel of any state named in such proclamation, except in accordance with such rules and regulations as may be prescribed.

(b) Whenever any proclamation issued under the authority of section 1 (a) shall have been revoked with respect to any state the provisions of this section shall thereupon cease to apply with respect to such state, except as to offenses committed prior to such revo-

cation.

## ARMING OF AMERICAN MERCHANT VESSELS PROHIBITED

Nov. 4, 1939, sec. 6 (22 U. S. C. 245j-5). Whenever the President shall have issued a proclamation under the authority of section 1 (a), it shall thereafter be unlawful, until such proclamation is revoked, for any American vessel, engaged in commerce with any foreign state

to be armed, except with small arms and ammunition therefor, which the President may deem necessary and shall publicly designate for the preservation of discipline aboard any such vessel.

#### FINANCIAL TRANSACTIONS

Nov. 4, 1939, sec. 7 (22 U. S. C. 245j-6). (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), it shall thereafter be unlawful for any person within the United States to purchase, sell, or exchange bonds, securities, or other obligations of the government of any state named in such proclamation, or of any political subdivision of any such state, or of any person acting for or on behalf of the government of any such state, or political subdivision thereof, issued after the date of such proclamation, or to make any loan or extend any credit (other than necessary credits accruing in connection with the transmission of telegraph, cable, wireless and telephone services) to any such government, political subdivision, or person. The provisions of this subsection shall also apply to the sale by any person within the United States to any person in a state named in any such proclamation of any articles or materials listed in a proclamation referred to in or issued under the authority of section 12 (i).

(b) The provisions of this section shall not apply to a renewal or adjustment of such indebtedness as may exist on the date of such

proclamation.

(c) Whoever shall knowingly violate any of the provisions of this section or of any regulations issued thereunder shall, upon conviction thereof, be fined not more than \$50,000 or imprisoned for not more Should the violation be by a corporation, than five years, or both. organization, or association, each officer or director thereof participating in the violation shall be liable to the penalty herein prescribed.

(d) Whenever any proclamation issued under the authority of section 1 (a) shall have been revoked with respect to any state the provisions of this section shall thereupon cease to apply with respect to such

state, except as to offenses committed prior to such revocation.

# Solicitation and Collection of Funds and Contributions

Nov. 4, 1939, sec. 8 (22 U. S. C. 245j-7). (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), it shall thereafter be unlawful for any person within the United States to solicit or receive any contribution for or on behalf of the government of any state named in such proclamation or for or on

behalf of any agent or instrumentality of any such state.

(b) Nothing in this section shall be construed to prohibit the solicitation or collection of funds and contributions to be used for medical aid and assistance, or for food and clothing to relieve human suffering, when such solicitation or collection of funds and contributions is made on behalf of and for use by any person or organization which is not acting for or on behalf of any such government, but all such solicitations and collections of funds and contributions shall be in accordance with and subject to such rules and regulations as may be prescribed.

(c) Whenever any proclamation issued under the authority of section 1 (a) shall have been revoked with respect to any state the provisions of this section shall thereupon cease to apply with respect to such state, except as to offenses committed prior to such revocation.

### AMERICAN REPUBLICS

Nov. 4, 1939, sec. 9 (22 U. S. C. 245j-8). This joint resolution (except section 12) shall not apply to any American republic engaged in war against a non-American state or states, provided the American republic is not cooperating with a non-American state or states in such war.

### RESTRICTIONS ON USE OF AMERICAN PORTS

Nov. 4, 1939, sec. 10 (22 U. S. C. 245j-9). (a) Whenever, during any war in which the United States is neutral, the President, or any person thereunto authorized by him, shall have cause to believe that any vessel, domestic or foreign, whether requiring clearance or not, is about to carry out of a port or from the jurisdiction of the United States, fuel, men, arms, ammunition, implements of war, supplies, dispatches, or information to any warship, tender, or supply ship of a state named in a proclamation issued under the authority of section 1 (a), but the evidence is not deemed sufficient to justify forbidding the departure of the vessel as provided for by section 1, title V, chapter 30, of the Act approved June 15, 1917 (40 Stat. 217, 221; U. S. C., 1934 edition, title 18, sec. 31), and if, in the President's judgment, such action will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security or neutrality of the United States, he shall have the power, and it shall be his duty, to require the owner, master, or person in command thereof, before departing from a port or from the jurisdiction of the United States, to give a bond to the United States, with sufficient sureties, in such amount as he shall deem proper, conditioned that the vessel will not deliver the men, or any fuel, supplies, dispatches, information, or any part of the cargo, to any warship, tender, or supply ship of a state named in a proclamation issued under the authority of section

(b) If the President, or any person thereunto authorized by him, shall find that a vessel, domestic or foreign, in a port of the United States, has previously departed from a port or from the jurisdiction of the United States during such war and delivered men, fuel, supplies, dispatches, information, or any part of its cargo to a warship, tender, or supply ship of a state named in a proclamation issued under the authority of section 1 (a), he may prohibit the departure

of such vessel during the duration of the war.

(c) Whenever the President shall have issued a proclamation under section 1 (a) he may, while such proclamation is in effect, require the owner, master, or person in command of any vessel, foreign or domestic, before departing from the United States, to give a bond to the United States, with sufficient sureties, in such amount as he shall deem proper, conditioned that no alien seaman who arrived on such vessel shall remain in the United States for a longer period than

that permitted under the regulations, as amended from time to time, issued pursuant to section 33 of the Immigration Act of February 5, 1917 (U. S. C., title 8, sec. 168). Notwithstanding the provisions of said section 33, the President may issue such regulations with respect to the landing of such seamen as he deems necessary to insure their departure either on such vessel or another vessel at the expense of such owner, master, or person in command.

### SUBMARINES AND ARMED MERCHANT VESSELS

Nov. 4, 1939, sec. 11 (22 U. S. C. 245j-10). Whenever, during any war in which the United States is neutral, the President shall find that special restrictions placed on the use of the ports and territorial waters of the United States by the submarines or armed merchant vessels of a foreign state will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, and shall make proclamation thereof, it shall thereafter be unlawful for any such submarine or armed merchant vessel to enter a port or the territorial waters of the United States or to depart therefrom, except under such conditions and subject to such limitations as the President may prescribe. Whenever, in his judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply, except as to offenses committed prior to such revocation.

### NATIONAL MUNITIONS CONTROL BOARD

Nov. 4, 1939, sec. 12 (22 U. S. C. 245j-11). (a) There is hereby established a National Munitions Control Board (hereinafter referred to as the "Board"). The Board shall consist of the Secretary of State, who shall be chairman and executive officer of the Board, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce. Except as otherwise provided in this section, or by other law, the administration of this section is vested in the Secretary of State. The Secretary of State shall promulgate such rules and regulations with regard to the enforcement of this section as he may deem necessary to carry out its provisions. The Board shall be convened by the chairman and shall hold at least one meeting a year.

(b) Every person who engages in the business of manufacturing, exporting, or importing any arms, ammunition, implements of war listed in a proclamation referred to in or issued under the authority of subsection (i) of this section, whether as an exporter, importer, manufacturer, or dealer, shall register with the Secretary of State his name, or business name, principal place of business, and places of business in the United States, and a list of the arms, ammunition, and implements of war which he manufactures, imports, or exports.

(c) Every person required to register under this section shall notify the Secretary of State of any change in the arms, ammunition, or implements of war which he exports, imports, or manufactures; and upon such notification the Secretary of State shall issue to such person an amended certificate of registration, free of charge,

which shall remain valid until the date of expiration of the original certificate. Every person required to register under the provisions of this section shall pay a registration fee of \$100. Upon receipt of the required registration fee, the Secretary of State shall issue a registration certificate valid for five years, which shall be renewable for further periods of five years upon the payment of each renewal of a fee of \$100; but valid certificates of registration (including amended certificates) issued under the authority of section 2 of the joint resolution of August 31, 1935, or section 5 of the joint resolution of August 31, 1935, as amended, shall, without payment of any additional registration fee, be considered to be valid certificates of registration issued under this subsection, and shall remain valid for the same period as if this joint resolution had not been enacted.

(d) It shall be unlawful for any person to export, or attempt to export, from the United States to any other state, any arms, ammunition, or implements of war listed in proclamation referred to in or issued under the authority of subsection (i) of this section, or to import, or attempt to import, to the United States from any other state, any of the arms, ammunition, or implements of war listed in any such proclamation, without first having submitted to the Secretary of State the name of the purchaser and the terms of sale and

having obtained a license therefor.

(e) All persons required to register under this section shall maintain, subject to the inspection of the Secretary of State, or any person or persons designated by him, such permanent records of manufacture for export, importation, and exportation of arms, animunition, and implements of war as the Secretary of state shall

prescribe.

(f) Licenses shall be issued by the Secretary of State to persons who have registered as herein provided for, except in cases of export or import licenses where the export of arms, ammunition, or implements of war would be in violation of this joint resolution or any other law of the United States, or of a treaty to which the United States is a party, in which cases such licenses shall not be issued; but a valid license issued under the authority of section 2 of the joint resolution of August 31, 1935, or section 5 of the joint resolution of August 31, 1935, as amended, shall be considered to be a valid license issued under this subsection, and shall remain valid for the same period as if this joint resolution had not been enacted.

(g) No purchase of arms, ammunition, or implements of war shall be made on behalf of the United States by any officer, executive department, or independent establishment of the Government from any person who shall have failed to register under the provisions

of this joint resolution.

(h) The Board shall make a report to Congress on January 3 and July 3 of each year, copies of which shall be distributed as are other reports transmitted to Congress. Such reports shall contain such information and data collected by the Board as may be considered of value in the determination of questions connected with the control of trad in arms, amm mition, and implements of war, including the name of the purchaser and the terms of sale made under any such license. The Board shall include in such reports a list of all persons required to register under the provisions of this joint resolution, and

full information concerning the licenses issued hereunder, including the name of the purchaser and the terms of sale under any such

license.

(i) The President is hereby authorized to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section; but the proclamation Numbered 2237, of May 1, 1937 (50 Stat. 1834), defining the term "arms, ammunition, and implements of war" shall, until it is revoked, have full force and effect as if issued under the authority of this subsection.

#### REGULATIONS

Nov. 4, 1939, sec. 13 (22 U. S. C. 245j-12). The President may, from time to time, promulgate such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or authority conferred on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct.

### Unlawful Use of the American Flag

Nov. 4, 1939, sec. 14 (22 U. S. C. 245j-13). (a) It shall be unlawful for any vessel belonging to or operating under the jurisdiction of any foreign state to use the flag of the United States thereon, or to make use of any distinctive signs or markings, indicating that the same is an American vessel.

(b) Any vessel violating the provisions of subsection (a) of this section shall be denied for a period of three months the right to enter the ports or territorial waters of the United States except in cases of

force majeure.

### General Penalty Provision

Nov. 4, 1939, sec. 15 (22 U. S. C. 245j-14). In every case of the violation of any of the provisions of this joint resolution or of any rule or regulation issued pursuant thereto where a specific penalty is not herein provided, such violator or violators, upon conviction, shall be fined not more than \$10,000, or imprisoned not more than two years, or both.

#### Definitions

Nov. 4, 1939, sec. 16 (22 U. S. C. 245j-15). For the purposes of this

joint resolution—

(a) The term "United States", when used in a geographical sense, includes the several States and Territories, the insular possessions of the United States (including the Philippine Islands), the Canal Zone, and the District of Columbia.

(b) The term "person" includes a partnership, company, associa-

tion, or corporation, as well as a natural person.

(c) The term "vessel" means every description of watercraft and aircraft capable of being used as a means of transportation on, under, or over water.

(d) The term "American vessel" means any vessel documented, and any aircraft registered or licensed, under the laws of the United States.

(e) The term "state" shall include nation, government, and country.

(f) The term "citizen" shall include any individual owing allegiance to the United States, a partnership, company, or association composed in whole or in part of citizens of the United States, and any corporation organized and existing under the laws of the United States as defined in subsection (a) of this section.

#### SEPARABILITY OF PROVISIONS

Nov. 4, 1939, sec. 17 (22 U.S.C.245j-16). If any of the provisions of this joint resolution, or the application thereof to any person or circumstance, is held invalid, the remainder of the joint resolution, and the application of such provision to other persons or circumstances, shall not be affected thereby.

#### Appropriations

Nov. 4, 1939, sec. 18 (22 U. S. C. 245j-17). There is hereby authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions and accomplish the purposes of this joint resolution.

#### REPEALS

Nov. 4, 1939, sec. 19 (22 U. S. C. 245j-18). The joint resolution of August 31, 1935, as amended, and the joint resolution of January 8, 1937, are hereby repealed; but offenses committed and penalties, forfeitures, or liabilities incurred under either of such joint resolutions prior to the date of enactment of this joint resolution may be prosecuted and punished, and suits and proceedings for violations of either of such joint resolutions or of any rule or regulation issued pursuant thereto may be commenced and prosecuted, in the same manner and with the same effect as if such joint resolutions had not been repealed.

#### SHORT TITLE

Nov. 4, 1939, sec. 20 (22 U. S. C. 245j-19). This joint resolution may be cited as the "Neutrality Act of 1939".

### Chapter XLV.—PIRACY

## Use of Public Vessels to Suppress Piracy.

R. S. 4293 (33 U. S. C. 381). The President is authorized to employ so many of the public armed vessels as in his judgment the service may require, with suitable instructions to the commanders thereof, in protecting the merchant vessels of the United States and their crews from piratical aggressions and depredations.

#### Seizure of Piratical Vessels.

R. S. 4294 (33 U. S. C. 382). The President is authorized to instruct the commanders of the public armed vessels of the United States to subdue, seize, take, and send into any port of the United States, any armed vessel or boat, or any vessel or boat, the crew whereof shall be armed, and which shall have attempted or committed any piratical aggression, search, restraint, depredation, or seizure, upon any vessel of the United States, or of the citizens thereof, or upon any other vessel; and also to retake any vessel of the United States, or its citizens, which may have been unlawfully captured upon the high seas.

### Resistance of Pirates by Merchant Vessels.

R. S. 4295 (33 U. S. C. 383). The commander and crew of any merchant vessel of the United States, owned wholly, or in part, by a citizen thereof, may oppose and defend against any aggression, search, restraint, depredation, or seizure, which shall be attempted upon such vessel, or upon any other vessel so owned, by the commander or crew of any armed vessel whatsoever, not being a public armed vessel of some nation in amity with the United States, and may subdue and capture the same; and may also retake any vessel so owned which may have been captured by the commander or crew of any such armed vessel, and send the same into any port of the United States.

#### Condemnation of Piratical Vessels.

R. S. 4296 (33 U. S. C. 384). Whenever any vessel, which shall have been built, purchased, fitted out in whole or in part, or held for the purpose of being employed in the commission of any piratical aggression, search, restraint, depredation, or seizure, or in the commission of any other act of piracy as defined by the law of nations, or from which any piratical aggression, search, restraint, depredation, or seizure shall have been first attempted or made, is captured and brought into or captured in any port of the United States, the same shall be adjudged and condemned to their use, and that of the captors after due process and trial in any court having admiralty jurisdiction, and which shall be holden for the district into which such captured vessel shall be brought; and the same court shall thereupon order a sale and distribution thereof accordingly, and at its discretion.

Seizure and Condemnation of Vessels Fitted Out for Piracy.

R. S. 4297 (33 U. S. C. 385). Any vessel built, purchased, fitted out in whole or in part, or held for the purpose of being employed in the commission of any piratical aggression, search, restraint, depredation, or seizure, or in the commission of any other act of piracy, as defined by the law of nations, shall be liable to be captured and brought into any port of the United States if found upon the high seas, or to be seized if found in any port or place within the United States, whether the same shall have actually sailed upon any piratical expedition or not, and whether any act of piracy shall have been committed or attempted upon or from such vessel or not; and any such vessel may be adjudged and condemned, if captured by a vessel authorized as hereinafter mentioned, to the use of the United States and to that of the captors, and if seized by a collector, surveyor, or marshal, then to the use of the United States.

Commissioning of Private Vessels for Seizure of Piratical Vessels.

R. S. 4298 (33 U. S. C. 386). The President is authorized to instruct the commanders of the public armed vessels of the United States, and to authorize the commanders of any other armed vessels sailing under the authority of any letters of marque and reprisal granted by Congress, or the commanders of any other suitable vessels, to subdue, seize, take, and, if on the high seas, to send into any port of the United States, any vessel or boat built, purchased, fitted out, or held as mentioned in the preceding section.

Duty of Customs Officers and Marshals to Seize.

R. S. 4299 (33 U. S. C. 387). The collectors of the several ports of entry, the surveyors of the several ports of delivery, and the marshals of the several judicial districts within the United States, shall seize any vessel or boat built, purchased; fitted out, or held as mentioned in section 4297, which may be found within their respective ports or districts, and to cause the same to be proceeded against and disposed of as provided by that section.

### Chapter XLVI.—CRIMES

Juridiction.

R. S. 5339 (18 U. S. C. 451). The crimes and offenses defined in this chapter (sections 272-289) shall be punished as herein prescribed:

First. When committed upon the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, or when committed within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State on board any vessel belonging in whole or in part to the United States or any citizen thereof, or to any corporation created by or under the laws of the United States, or of any State, Territory, or District thereof.

Second. When committed upon any vessel registered, licensed, or enrolled under the laws of the United States, and being on a voyage upon the waters of any of the Great Lakes, namely: Lake Superior, Lake Michigan, Lake Huron, Lake Saint Clair, Lake Erie, Lake Ontario, or any of the waters connecting any of said lakes, or upon the River Saint Lawrence where the same constitutes the International boundary line.

Third. When committed within or on any lands reserved or acquired for the exclusive use of the United States, and under the exclusive jurisdiction thereof, or any place purchased, or otherwise acquired by the United States by consent of the legislature of the State in which the same shall be, for the erection of a fort, maga-

zine, arsenal, dockyard, or other needful building.

Fourth. On any island, rock, or key, containing deposits of guano, which may, at the discretion of the President, be considered as appertaining to the United States. (Sept. 4, 1890; Mar. 4, 1909, sec. 272.)

#### Murder.

R. S. 5339 (18 U. S. C. 452). Murder is the unlawful killing of a human being with malice aforethought. Every murder perpetrated by poison, lying in wait, or any other kind of willful, deliberate, malicious, and premeditated killing; or committed in the perpetration of, or attempt to perpetrate, any arson, rape, burglary, or robbery; or perpetrated from a premeditated design unlawfully and maliciously to effect the death of any human being other than him who is killed, is murder in the first degree. Any other murder is arder in the second degree. (Mar. 4, 1909, sec. 273.)

# Punishment; Murder; Manslaughter.

R. S. 5343 (18 U. S. C. 454). Every person guilty of murder in the first degree shall suffer death. Every person guilty of murder in the second degree shall be imprisoned not less than ten years and may be imprisoned for life. Every person guilty of voluntary manslaughter shall be imprisoned not more than ten years. Every person guilty of involuntary manslaughter shall be imprisoned not

more than three years, or fined not exceeding \$1,000, or both. (Mar. 4, 1909, sec. 275.)

Manslaughter.

R. S. 5341 (18 U. S. C. 453). Manslaughter is the unlawful killing of a human being without malice. It is of two kinds:

First. Voluntary—Upon a sudden quarrel or heat of passion.

Second. Involuntary—In the commission of an unlawful act not amounting to a felony, or in the commission of a lawful act which might produce death, in an unlawful manner, or without due caution and circumspection. (Mar. 4, 1909, sec. 274.)

Mayhem.

R. S. 5348 (18 U. S. C. 462). Whoever, with intent to maim or disfigure, shall cut, bite, or slit, the nose, ear, or lip, or cut out or disable the tongue, or put out or destroy an eye, or cut off or disable a limb or any member of another person, or whoever, with the like intent, shall throw or pour upon another person, any scalding hot water, vitriol, or other corrosive acid, or caustic substance whatever shall be fined not more than \$1,000, or imprisoned not more than seven years, or both. (Mar. 4, 1909, sec. 283.)

#### Arson.

R. S. 5386, 5387 (18 U. S. C. 465). Whoever shall maliciously set fire to, burn, or attempt to burn, or by any means destroy or injure, or attempt to destroy or injure, any arsenal, armory, magazine, ropewalk, ship house, warehouse, blockhouse, or barrack, or any storehouse, barn, or stable, not parcel of a dwelling house, or any other building not mentioned in the section last preceding, or any vessel built, building, or undergoing repair, or any lighthouse, or beacon, or any machinery, timber, cables, rigging, or other materials or appliances for building, repairing, or fitting out vessels, or any pile of wood, boards, or other lumber, or any military, naval, or victualing stores, arms, or other munitions of war, shall be fined not more than \$5,000 and imprisoned not more than twenty years. (Mar. 4, 1909, sec. 286.)

Robbery.

R. S. 5370 (18 U. S. C. 463). Whoever, by force and violence, or by putting in fear, shall feloniously take from the person or presence of another anything of value, shall be imprisoned not more than fifteen years. (Mar. 4, 1909, sec. 284.)

#### Assault.

R. S. 5346 (18 U. S. C. 455). Whoever shall assault another with intent to commit murder, or rape, shall be imprisoned not more than twenty years. Whoever shall assault another with intent to commit any felony, except murder, or rape, shall be fined not more than \$3,000, or imprisoned not more than ten years, or both. Whoever, with intent to do bodily harm, and without just cause or excuse, shall assault another with a dangerous weapon, instrument, or other thing, shall be fined not more than \$1,000, or imprisoned not more than five years, or both. Whoever shall unlawfully strike, beat, or wound another, shall be fined not more than \$500, or imprisoned not more than six months, or both. Whoever shall unlawfully

CRIMES 511

assault another, shall be fined not more than \$300, or imprisoned not more than three months, or both. (Mar. 4, 1909, sec. 276.)

Penalty for Attempted Murder or Manslaughter.

R. S. 5342 (18 U. S. C. 456). Whoever shall attempt to commit murder or manslaughter, except as provided in the preceding section, shall be fined not more than \$1,000 and imprisoned not more than three years. (Mar. 4, 1909, sec. 277.)

Rape.

R. S. 5345 (18 U. S. C. 457). Whoever shall commit the crime of rape shall suffer death. (Mar. 4, 1909, sec. 278.)

## Carnal Knowledge.

Feb. 9, 1889 (18 U. S. C. 458). Whoever shall carnally and unlawfully know any female under the age of sixteen years, or shall be accessory to such carnal and unlawful knowledge before the fact, shall, for a first offense, be imprisoned not more than fifteen years, and for a subsequent offense be imprisoned not more than thirty years. (Mar. 4, 1909, sec. 279.)

#### Seduction.

R. S. 5349 (18 U. S. C. 459). Every master, officer, seaman, or other person employed on board of any American vessel, who, during the voyage, under promise of marriage, or by threats, or the exercise of authority, or solicitation, or the making of gifts or presents, seduces and has illicit connection with any female passenger, shall be fined not more than \$1,000, or imprisoned not more than one year, or both; but subsequent intermarriage of the parties may be pleaded in bar of conviction. (Mar. 4, 1909, sec. 280.)

Disposal of Fine; Evidence Required.

R. S. 5350-5351 (18 U. S. C. 460). When a person is convicted of a violation of the section last preceding, the court may, in its discretion, direct that the amount of the fine, when paid, be paid for the use of the female seduced, or her child, if she have any; but no conviction shall be had on the testimony of the female seduced, without other evidence, nor unless the indictment is found within one year after the arrival of the vessel on which the offense was committed at the port of its destination. (Mar. 4, 1909, sec. 281.)

Death from Negligence, Misconduct, etc.

R. S. 5344 (18 U. S. C. 461). Every captain, engineer, pilot, or other person employed on any steamboat or vessel, by whose misconduct, negligence, or inattention to his duties on such vessel the life of any person is destroyed, and every owner, charterer, inspector, or other public officer, through whose fraud, neglect, connivance, misconduct, or violation of law the life of any person is destroyed, shall be fined not more than \$10,000, or imprisoned not more than ten years, or both: Provided, That when the owner or charterer of any steamboat or vessel shall be a corporation, any executive officer of such corporation, for the time being actually charged with the control and management of the operation, equipment, or navigation of such steamboat or vessel, who has knowingly and willfully caused or allowed such fraud, neglect, connivance, misconduct, or violation of law, by which the life of any person is destroyed, shall be fined not

more than \$10,000, or imprisoned not more than ten years, or both. (Mar. 4, 1909, sec. 282.)

#### Larceny.

R. S. 5356 (18 U. S. C. 466). Whoever shall take and carry away, with intent to steal or purloin, any personal property of another, shall be punished as follows: If the property taken is of a value exceeding \$50, or is taken from the person of another, by a fine of not more than \$10,000, or imprisonment for not more than ten years, or both; in all other cases, by a fine of not more than \$1,000, or by imprisonment not more than one year, or both. If the property stolen consists of any evidence of debt, or other written instrument, the amount of money due thereon, or secured to be paid thereby, and remaining unsatisfied, or which in any contingency might be collected thereon, or the value of the property the title to which is shown thereby, or the sum which might be recovered in the absence thereof, shall be deemed to be the value of the property stolen. (Mar. 4, 1909, sec. 287.)

## Receiver of Stolen Property.

R. S. 5357 (18 U. S. C. 467). Whoever shall buy, receive, or conceal, any money, goods, bank notes, or other thing which may be the subject of larceny, which has been feloniously taken, stolen, or embezzled, from any other person, knowing the same to have been so taken, stolen, or embezzled, shall be fined not more than \$1,000 and imprisoned not more than three years; and such person may be tried either before or after the conviction of the principal offender. (Mar. 4, 1909, sec. 288.)

# Obtaining Money by False Pretenses.

Aug. 5, 1939 (18 U. S. C. 467a). Whoever, upon the high seas or on any waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, or within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State on board any vessel belonging in whole or in part to the United States or any citizen thereof or to any corporation created by or under the laws of the United States, or of any State, Territory, or District thereof, by any fraud, or false pretense whatsoever with intent to defraud, obtains from any person anything of value, or procures the execution and delivery of any instrument of writing or conveyance of real or personal property, or the signature of any person, as maker, endorser, or guarantor, to or upon any bond, bill, receipt, promissory note, draft, or check, or any other evidence of indebtedness or fraudulently sells, barters, or disposes of any bond, bill, receipt, promissory note, draft, or check, or other evidence of indebtedness, for value, knowing the same to be worthless, or knowing the signature of the maker, endorser, or guarantor thereof to have been obtained by any false pretenses, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

# Conspiracy.

R. S. 5440 (18 U. S. C. 88). If two or more persons conspire either to commit any offense against the United States, or to defraud the United States in any manner or for any purpose, and one or

CRIMES 513

more of such parties do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be fined not more than \$10,000, or imprisoned not more than two years, or both. (May 17, 1879; Mar. 4, 1909, sec. 37.)

Perjury.

R. S. 5392 (18 U. S. C. 231). Whoever, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, despose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, shall willfully and contrary to such oath state or subscribe any material matter which he does not believe to be true, is guilty of perjury, and shall be fined not more than \$2,000 and imprisoned not more than five years. (Mar. 4, 1909, sec. 125.)

Forgery.

R. S. 5423 (18 U. S. C. 129). Whoever shall falsely make, forge, counterfeit, or alter any instrument in imitation of, or purporting to be, an abstract or official copy or certificate of the recording, registry, or enrollment of any vessel, in the office of any collector of the customs, or a license to any vessel for carrying on the coasting trade or fisheries of the United States, or a certificate of ownership, pass, passport, sea letter, or clearance, granted for any vessel, under the authority of the United States, or a permit, debenture, or other official document granted by any collector or other officer of the customs by virtue of his office; or whoever shall utter, publish, or pass, or attempt to utter, publish, or pass, as true, any such false, forged, counterfeited, or falsely altered instrument, abstract, official copy, certificate, license, pass, passport, sea letter, clearance, permit, debenture, or other official document herein specified, knowing the same to be false forged, counterfeited, or falsely altered, with an intent to defraud, shall be fined not more than \$1,000 and imprisoned not more than three years. (Mar. 4, 1909, sec. 72.)

### Ill Treatment of Crew.

R. S. 5347 (18 U. S. C. 482). Whoever, being the master or officer of a vessel of the United States, on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, beats, wounds, or without justifiable cause, imprisons any of the crew of such vessel, or withholds from them suitable food and nourishment, or inflicts upon them any cruel and unusual punishment, shall be fined not more than \$1,000, or imprisoned not more than five years, or both. Nothing herein contained shall be construed to repeal or modify section 4611 of the Revised Statutes. (Mar. 3, 1897, sec. 18; Mar. 4, 1909, sec. 291.)

Inciting Mutiny on Shipboard.

R. S. 5359 (18 U. S. C. 483). Whoever, being of the crew of a vessel of the United States, on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, endeavors to make a revolt or mutiny on board such vessel, or combines, conspires, or confederates with any other person on board to make such revolt or mutiny, or solicits, incites, or stirs up any other

of the crew to disobey or resist the lawful orders of the master or other officer of such vessel, or to refuse or neglect their proper duty on board thereof, or to betray their proper trust, or assembles with others in a tumultuous and mutinous manner, or makes a riot on board thereof, or unlawfully confines the master or other commanding officer thereof, shall be fined not more than \$1,000, or imprisoned not more than five years, or both. (Mar. 4, 1909, sec. 292.)

Revolt and Mutiny.

R. S. 5360 (18 U. S. C. 484). Whoever, being of the crew of a vessel of the United States, on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, unlawfully and with force, or by fraud, or intimidation, usurps the command of such vessel from the master or other lawful officer in command thereof, or deprives him of authority and command on board, or resists or prevents him in the free and lawful exercise thereof, or transfers such authority and command to another not lawfully entitled thereto, is guilty of a revolt and mutiny, and shall be fined not more than \$2,000 and imprisoned not more than ten years. (Mar. 4, 1909, sec. 293.)

#### Abandonment of Seamen.

R. S. 5363 (18 U. S. C. 486). Whoever, being master or commander of a vessel of the United States, while abroad, maliciously and without justifiable cause forces any officer or mariner of such vessel on shore, in order to leave him behind in any foreign port or place, or refuses to bring home again all such officers and mariners of such vessel whom he carried out with him as are in a condition to return and willing to return, when he is ready to proceed on his homeward voyage, shall be fined not more than \$500, or imprisoned not more than six months, or both. (Mar. 4, 1909, sec. 295.)

## Barratry.

R. S. 5364 (18 U. S. C. 487). Whoever, on the high seas, or within the United States, willfully and corruptly conspires, combines, and confederates with any other person, such other person being either within or without the United States, to cast away or otherwise destroy any vessel, with intent to injure any person that may have underwritten or may thereafter underwrite any policy of insurance thereon or on goods on board thereof, or with intent to injure any person that has lent or advanced, or may lend or advance, any money on such vessel on bottomry or respondentia; or whoever, within the United States, builds, or fits out, or aids in building or fitting out, any vessel with intent that the same be cast away or destroyed, with the intent hereinbefore mentioned, shall be fined not more than \$10,000 and imprisoned not more than ten years. (Mar. 4, 1909, sec. 296.)

# Wrecking.

R. S. 5358 (18 U. S. C. 488). Whoever plunders, steals, or destroys any money, goods, merchandise, or other effects, from or belonging to any vessel in distress, or wrecked, lost, stranded, or cast away, upon the sea, or upon any reef, shoal, bank, or rocks of the sea, or in any other place within the admiralty and maritime jurisdiction of the United States, shall be fined not more than \$5,000 and imprisoned not more than ten years; and whoever willfully obstructs the escape

CRIMES 515

of any person endeavoring to save his life from such vessel, or the wreck thereof; or whoever holds out or shows any false light, or extinguishes any true light, with intent to bring any vessel sailing upon the sea into danger, or distress, or shipwreck, shall be imprisoned not less than ten years and may be imprisoned for life. (Mar. 4, 196), sec. 297.)

### Crimes Deemed Piracy.

R. S. 5368 (18 U. S. C. 481). Whoever, on the high seas, commisthe crime of piracy as defined by the law of nations, and is afterwards brought into or found in the United States, shall be imprisoned for life. (Jan. 15, 1897, sec. 2; Mar. 4, 1909, sec. 290.)

### Plundering Vessel.

R. S. 5361 (18 U. S. C. 489). Whoever, upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, by surprise or by open force, maliciously attacks or sets upon any vessel belonging to another, with an intent unlawfully to plunder the same, or to despoil any owner thereof of any moneys, goods, or merchandise laden on board thereof, shall be fined not more than \$5,000 and imprisoned not more than ten years. (Mar. 4, 1909, sec. 298.)

### Breaking and Entering Vessel.

R. S. 5362 (18 U. S. C. 490). Whoever, upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, and out of the jurisdiction of any particular State, breaks or enters any vessel, with intent to commit any felony, or maliciously cuts, spoils, or destroys any cordage, cable, buoys, buoy rope, head fast, or other fast, fixed to the anchor or moorings belonging to any vessel, shall be fined not more than \$1,000 and imprisoned not more than five years. (Mar. 4, 1909, sec. 299.)

# Destroying Vessel at Sea; Owner.

R. S. 5365 (18 U. S. C. 491). Whoever, upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, willfully and corruptly casts away or otherwise destroys any vessel, of which he is owner, in whole or in part, with intent to prejudice any person that may underwrite any policy of insurance thereon, or any merchant that may have goods thereon, or any other owner of such vessel, shall be imprisoned for life or for any term of years. (Aug. 6, 1894, sec. 1; Mar. 4, 1909, sec. 300.)

# Destruction of Vessel at Sea by Person Other Than Owner.

R. S. 5366, 5367 (18 U. S. C. 492). Whoever, not being an owner, upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, willfully and corruptly casts away or otherwise destroys any vessel of the United States to which he belongs, or, willfully, with intent to destroy the same, sets fire to any such vessel, or otherwise attempts the destruction thereof, shall be imprisoned not more than ten years. (Aug. 6, 1894, sec. 2; Mar. 4, 1909, sec. 301.)

# Receiving Stolen Goods; Accessory After the Fact.

R. S. 5324, 5533 (18 U. S. C. 552). Whoever, without lawful authority, receives or takes into custody any vessel, goods, or other

property, feloniously taken by any robber or pirate against the laws of the United States, knowing the same to have been feloniously taken, and whoever, knowing that such pirate or robber has done or committed any such piracy or robbery, on the land or at sea, receives, entertains, or conceals any such pirate or robber, is an accessory after the fact to such robbery or piracy, and shall be imprisoned not more than ten years. (Mar. 4, 1909, sec. 334.)

Reproduction Official Insignia Prohibited; Penalty.

June 29, 1932, sec. 1 (18, U. S. C. 76a). The manufacture, sale, or possession of any badge, identification card, or other insignia, of the design prescribed by the head of any department or independent office of the United States for use by any officer or subordinate thereof, or of any colorable imitation thereof, or the photographing, printing, or in any other manner making or executing any engraving, photograph, print, or impression in the likeness of any such badge, identification card, or other insignia, or of any colorable imitation thereof, is prohibited, except when and as authorized under such regulations as may be prescribed by the head of the department or independent office of which such insignia indicates the wearer is an officer or subordinate. (May 22, 1939.)

#### Punishment.

June 29, 1932, sec. 2 (18 U. S. C. 76b). Any person who offends against the provisions of this act shall, upon conviction, be punished by a fine not exceeding \$250 or by imprisonment for not exceeding six months, or by both such fine and imprisonment.

Shipping Packages in Interstate Commerce not Plainly Marked.

June 25, 1936, sec. 8 (18 U. S. C. 390). Whoever shall knowingly ship or cause to be shipped from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, any package of or package containing any spirituous, vinous, malted, or other fermented liquor, or any compound containing any spirituous, vinous, malted, or other fermented liquor fit for use for beverage purposes, unless such package be so labeled on the outside cover as to plainly show the name of the consignee, the nature of its contents, and the quantity contained therein, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and such liquor shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the seizure and forfeiture of property imported into the United States contrary to law.

The Secretary of the Treasury shall enforce the provisions of this

act as herein amended.

Seaman Laying Violent Hands on Commander.

R. S. 5369 (18 U. S. C. 485). Whoever, being a seaman, lays violent hands upon his commander, thereby to hinder and prevent his

CRIMES 517

fighting in defense of his vessel or the goods intrusted to him, is a pirate, and shall be imprisoned for life. (Jan. 15, 1897, sec. 2; Mar. 4, 1909, sec. 294.)

Robbery on Shore by Piratical Crew.

R. S. 5371 (18 U. S. C. 493). Whoever, being engaged in any piratical cruise, or enterprise, or being of the crew of any piratical vessel, lands from such vessel, and on shore commits robbery, is a pirate, and shall be imprisoned for life. (Jan. 15, 1897, sec. 2; Mar. 4, 1909, sec. 302.)

Piracy Under Color of Foreign Commission.

R. S. 5373 (18 U. S. C. 495). Whoever, being a citizen of the United States, commits any murder or robbery, or any act or hostility against the United States, or against any citizen thereof, on the high seas, under color of any commission from any foreign prince, or state, or on pretense of authority from any person, is, notwithstanding the pretense of such authority, a pirate, and shall be imprisoned for life. (Jan. 15, 1897, sec. 2; Mar. 4, 1909, sec. 304.)

Piracy by Aliens.

R. S. 5374 (18 U. S. C. 496). Whoever, being a citizen or subject of any foreign state, is found and taken on the sea making war upon the United States, or cruising against the vessels and property thereof, or of the citizens of the same, contrary to the provisions of any treaty existing between the United States and the state of which the offender is a citizen or subject, when by such treaty such acts are declared to be piracy, is guilty of piracy, and shall be imprisoned for life. (Jan. 15, 1897, sec. 2; Mar. 4, 1909, sec. 305.)

Running Away With or Yielding up Vessel or Cargo.

R. S. 5383 (18 U. S. C. 497). Whoever, being a captain or other officer or mariner of a vessel upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, piratically or felonously runs away with such vessels, or with any goods or merchandise thereof, to the value of \$50, or who yields up such vessel voluntarily to any pirate, shall be fined not more than \$10,000, or imprisoned not more than ten years, or both. (Mar. 4, 1909, sec. 306.)

Confederating With Pirates; Confining Master.

R. S. 5384 (18 U. S. C. 498). Whoever attempts or endeavors to corrupt any commander, master, officer, or mariner to yield up or to run away with any vessel, or with any goods, wares, or merchandise, or to turn pirate, or to go over to or confederate with pirates, or in any wise to trade with any pirate, knowing him to be such, or furnishes such pirate with any ammunition, stores, or provisions of any kind, or fits out any vessel knowingly and, with a design to trade with, supply, or correspond with any pirate or robber upon the seas; or whoever consults, combines, confederates, or corresponds with any pirate or robber upon the seas, knowing him to be guilty of any piracy or robbery; or whoever, being a seaman, confines the

master of any vessel, shall be fined not more than \$1,000 and imprisoned not more than three years. (Mar. 4, 1909, sec. 307.)

Definition "Vessel of the United States."

Mar. 4, 1909, sec. 310 (18 U. S. C. 501). The words "vessel of the United States", wherever they occur in this chapter, shall be construed to mean a vessel belonging in whole or in part to the United States, or any citizen thereof, or any corporation created by or under the laws of the United States, or of any State, Territory, or District thereof.

Laws of States Adopted for Punishing Wrongful Acts.

R. S. 5391 (18 U. S. C. 468). Whoever, within the territorial limits of any State, organized Territory, or District, but within or upon any of the places now existing or hereafter reserved or acquired, described in R. S. 5399, as amended, shall do or omit the doing of any act or thing which is not made penal by any laws of Congress, but which if committed or omitted within the jurisdiction of the State, Territory, or District in which such place is situated, by the laws thereof in force on April 1, 1935, and remaining in force at the time of the doing or the omitting the doing of such act or thing, would be penal, shall be deemed guilty of a like offense and be subject to a like punishment. (July 7, 1898, sec. 2; Mar. 4, 1909, sec. 289; June 15, 1933; June 20, 1935.)

#### Chapter XLVII.—LEGAL PROCEDURE

#### Place of Trial.

R. S. 730 (28 U. S. C. 102). The trial of all offenses committed upon the high seas, or elsewhere out of the jurisdiction of any particular State or district, shall be in the district where the offender is found, or into which he is first brought. (Mar. 3, 1911, sec. 41.)

## Offenses Begun in One District and Completed in Another.

R. S. 731 (28 U. S. C. 103). When any offense against the United States is begun in one judicial district and completed in another, it shall be deemed to have been committed in either, and may be dealt with, inquired of, tried, determined, and punished in either district, in the same manner as if it had been actually and wholly committed therein. (Mar. 3, 1911, sec. 42.)

## Suits for Penalties and Forfeitures.

R. S. 732 (28 U. S. C. 104). All pecuniary penalties and forfeitures may be sued for and recovered either in the district where they accrue or in the district where the offender is found. (Mar. 3, 1911, sec. 43.)

#### Seizure.

R. S. 734 (28 U. S. C. 106). Proceedings on seizures made on the high seas, for forfeiture under any law of the United States, may be prosecuted in any district into which the property so seized is brought and proceedings instituted. Proceedings on such seizures made within any district shall be prosecuted in the district where the seizure is made, except in cases where it is otherwise provided. (Mar. 3, 1911, sec. 45.)

# Capture of Property Used in Insurrection.

R. S. 735 (28 U. S. C. 107). Proceedings for the condemnation of any property captured, whether on the high seas or elsewhere out of the limits of any judicial district, or within any district, on account of its being purchased or acquired, sold or given, with intent to use or employ the same, or to suffer it to be used or employed, in aiding, abetting, or promoting any insurrection against the Government of the United States, or knowingly so used or employed by the owner thereof, or with his consent, may be prosecuted in any district where the same may be seized, or into which it may be taken and proceedings first instituted. (Mar. 3, 1911, sec. 46.)

## Seizures Under Various Circumstances.

R. S. 564 (28 U. S. C. 108). Proceedings on seizures for forfeiture of any vessel or cargo entering any port of entry which has been closed by the President in pursuance of law, or of goods and chattels coming from a State or section declared by proclamation of the President to be in insurrection into other parts of the United States, or of any vessel or vehicle conveying such property, or conveying persons to or from such State or section, or of any vessel belonging, in whole or in part, to any inhabitant of such State or section, may be prosecuted in any district into which the property so seized may be taken and proceedings instituted; and the district court thereof shall have as full jurisdiction over such proceedings as it the seizure was made in that district. (Mar. 3, 1911, sec. 47.)

#### Seizure for Forfeiture.

R. S. 923 (28 U. S. C. 736). When any vessel, goods, wares, or merchandise are seized by any officer of the customs, and prosecuted for forfeiture by virtue of any law respecting the revenue, or the registering and recording, or the enrolling and licensing of vessels, the court shall cause fourteen days' notice to be given of such seizure and libel, by causing the substance of such libel, with the order of the court thereon, setting forth the time and place appointed for trial, to be inserted in some newspaper published near the place of seizure, and by posting up the same in the most public manner for the space of fourteen days, at or near the place of trial; and proclamation shall be made in such manner as the court shall direct. And if no person appear and claims such vessels, goods, wares, or merchandise, and gives bond to defend the prosecution thereof and to respond the cost in case he shall not support his claim, the court shall proceed to hear and determine the cause according to law.

## Property Seized Under Customs Laws; Bond.

R. S. 938 (28 U. S. C. 751). Upon the prayer of any claimant to the court, that any vessel, goods, wares, or merchandise, seized and prosecuted under any law respecting the revenue from imports or tonnage, or the registering and recording or the enrolling and licensing of vessels, or any part thereof, should be delivered to him, the court shall appoint three proper persons to appraise such property, who shall be sworn in open court, or before a commissioner appointed by the district court to administer oaths to appraisers, for the faithful discharge of their duty; and the appraisement shall be made at the expense of the party on whose prayer it is granted. If, on the return of the appraisement, the claimant, with one or more sureties, to be approved by the court, shall execute a bond to the United States for the payment of a sum equal to the sum at which the property prayed to be delivered is appraised, and produce a certificate from the collector of the district where the trial is had, and of the Comptroller of Customs thereof, if any there be, that the duties on the goods, wares, and merchandise, or tonnage duty on the vessel so claimed, have been paid or secured in like manner as if the same had been legally entered, the court shall, by rule, order such vessel, goods, wares, or merchandise to be delivered to such claimant; and the said bond shall be lodged with the proper officer of the court. If judgment passes in favor of the claimant, the court shall cause the said bond to be canceled; but if judgment passes against the claimant, as to the whole or any part of such vessel, goods, wares, or merchandise, and the claimant does not within twenty days thereafter pay into the court, or to the proper officer thereof, the amount of the appraised value of such vessel, goods, wares, or merchandise so condemned, with the costs, judgment shall be granted upon the bond, on motion in open court, without further delay. Notwithstanding the provisions of this section or any other provisions of law relating to the return on bond of vessels seized for the violation of any law of the United States, the court having jurisdiction of the subject matter, may, in its discretion and upon good cause shown by the United States, refuse to order such return of any such vessel to the claimant thereof. (Sept. 21, 1922, sec. 523; June 19, 1934, sec. 1.)

#### Sale After Condemnation.

R. S. 939 (28 U. S. C. 752). All vessels, goods, wares, or merchandise which shall be condemned by virtue of any law respecting the revenue from imports or tonnage, or the registering and recording or the enrolling and licensing of vessels, and for which bonds shall not have been given by the claimant, shall be sold by the marshal or other proper officer of the court in which condemnation shall be had, to the highest bidder, at public auction, by order of such court, and at such place as the court may appoint, giving at least fifteen days' notice (except in cases of perishable merchandise) in one or more of the public newspapers of the place where such sale shall be; or if no paper is published in such place, in one or more of the papers published in the nearest place thereto. And the amount of such sales, deducting all proper charges, shall be paid within ten days after such sale by the person selling the same to the clerk or other proper officer of the court directing such sale, to be by him, after deducting the charges allowed by the court, paid to the collector of the district in which such seizure or forfeiture has taken place, as hereinbefore directed. (May 29, 1930.)

## Bailing of Property Seized in Vacation.

R. S. 940 (28 U. S. C. 753). In any cause of admiralty and maritime jurisdiction, or other case of seizure, depending in any court of the United States, any judge of the said court, in vacation, shall have the same authority to order any vessel, or cargo, or other property to be delivered to the claimants, upon bail or bond, or to be sold when necessary, as the said court has in term time, and to appoint appraisers, and exercise every other incidental power necessary to the complete execution of the authority herein granted; and the recognizance of bail or bond, under such order, may be executed before the clerk upon the party's producing the certificate of the collector of the district, of the sufficiency of the security offered; and the same proceedings shall be had in the case of said order of delivery or of sale, as are had in like cases when ordered in term time: Provided, That upon every such application, either for an order of delivery or of sale, the collector and the attorney of the district shall have reasonable notice in cases of the United States, and the party or counsel in all other cases.

# Seizures; Claimant not Entitled to, When.

R. S. 970 (28 U. S. C. 818). When, in any prosecution commenced on account of the seizure of any vessel, goods, wares, or merchandise, made by any collector or other officer, under any act of Congress authorizing such seizure, judgment is rendered for the claimant, but it appears to the court that there was reasonable cause of seizure, the

court shall cause a proper certificate thereof to be entered, and the claimant shall not in such case be entitled to costs, nor shall the person who made the seizure, nor the prosecutor, be liable to suit or judgment on account of such suit or prosecution: *Provided*, That the vessel, goods, wares, or merchandise be, after judgment, forthwith returned to such claimant or his agent.

## Seizures; Double Costs.

R. S. 971 (28 U. S. C. 819). If, in any suit against an officer or other person executing or aiding or assisting in the seizure of goods, under any act providing for or regulating the collection of duties on imports or tonnage, the plaintiff is nonsuited, or judgment passed against him, the defendant shall recover double costs.

## Several Libels Against Vessel and Cargo.

R. S. 978 (28 U. S. C. 826). When proceedings are had before a court of the United States or of the Territories, on several libels against any vessel and cargo, which might legally be joined in one libel, there shall not be allowed thereon more costs than on one libel unless special cause for libeling the vessel and cargo separately is satisfactorily shown on motion in open court. And in proceedings on several libels or informations against any cargo, or parts of cargo, or merchandise seized as forfeited for the same cause, there shall not be allowed more costs than would be lawful on one libel or information, whatever may be the number of owners or consignees therein concerned. But allowance may be made on one libel or information for the costs incidental to several claims.

## Payment Before Possession of Vessel.

R. S. 979 (28 U. S. C. 827). When judgment is rendered in favor of the claimant of any vessel or other property seized on behalf of the United States, and libeled or informed against as forfeited under any law thereof, he shall be entitled to possession of the same when his own costs are paid.

#### Costs of Prosecution.

R. S. 3089 (19 U. S. C. 526). Whenever a seizure, condemnation, and sale of merchandise takes place within the United States, and the value thereof is less than \$250, that part of the forfeiture which accrues to the United States, or so much thereof as may be necessary, shall be applied to the payment of the cost of the prosecution.

#### Informers' and Customs Officers' Awards.

June 22, 1874, sec. 8 (19 U. S. C. 537). No officer, or other person entitled to or claiming compensation under any provision of this Act, shall be thereby disqualified from becoming a witness in any action, suit, or proceeding for the recovery, mitigation, or remission thereof, but shall be subject to examination and cross-examination in like manner with other witnesses, without being thereby deprived of any right, title, share, or interest in any fine, penalty, or forfeiture to which such examination may relate; and in every such case the defendant or defendants may appear and testify and be examined and cross-examined in like manner. See sec. 19, Tariff Act of 1930, p. 604.

Compulsory Production of Books, Invoices, or Papers.

JUNE 22, 1874, sec. 5 (19 U.S. C. 535). In all suits and proceedings other than criminal arising under any of the revenue laws of the United States, the attorney representing the Government, whenever, in his belief, any business book, invoice, or paper, belonging to or under the control of the defendant or claimant, will tend to prove any allegation made by the United States, may make a written motion, particularly describing such book, invoice, or paper, and setting forth the allegation which he expects to prove; and thereupon the court in which suit or proceeding is pending may, at its discretion, issue a notice to the defendant or claimant to produce such book, invoice, or paper in court, at a day and hour to be specified in said notice, which, together with a copy of said motion, shall be served formally on the defendant or claimant by the United States marshal by delivering to him a certified copy thereof, or otherwise serving the same as original notices of suit in the same court are served; and if the defendant or claimant shall fail or refuse to produce such book, invoice, or paper in obedience to such notice, the allegations stated in the said motion shall be taken as confessed unless his failure or refusal to produce the same shall be explained to the satisfaction of the court. And if produced, the said attorney shall be permitted, under the direction of the court, to make examination (at which examination the defendant or claimant, or his agent, may be present) of such entries in said book, invoice, or paper as relate to or tend to prove the allegation aforesaid, and may offer the same in evidence on behalf of the United States. But the owner of said books and papers, his agent or attorney, shall have, subject to the order of the court, the custody of them, except pending their examination in court as aforesaid.

## Officers and Informers as Witnesses.

R. S. 5295 (18 U. S C. 644). Any officer or other person entitled to or interested in a part or share of any fine, penalty, or forfeiture incurred under any law of the United States, may be examined as a witness in any of the proceedings for the recovery of such fine, penalty, or forfeiture by either of the parties thereto, and such examinations shall not deprive such witness of his share or interest in such fine, penalty, or forfeiture.

# Summary Trial.

R. S. 4300 (33 U. S. C. 391). Whenever a complaint shall be made against any master, officer, or seaman of any vessel belonging, in whole or in part, to any citizen of the United States, of the commission of any offense, not capital or otherwise infamous, against any law of the United States made for the protection of persons or property engaged in commerce or navigation, it shall be the duty of the district attorney to investigate the same, and the general nature thereof, and if, in his opinion, the case is such as should be summarily tried, he shall report the same to the district judge, and the judge shall forthwith, or as soon as the ordinary business of the court will permit, proceed to try the cause, and for that purpose may, if necessary, hold a special session of the court, either in term time or vacation.

Complaint and Answer; Jury Trial.

R. S. 4301 (33 U. S. C. 393). At the summary trial of offenses against the laws for the protection of persons or property engaged in commerce or navigation, it shall not be necessary that the accused shall have been previously indicted, but a statement of complaint, verified by oath in writing, shall be presented to the court, setting out the offense in such manner as clearly to apprise the accused of the character of the offense complained of, and to enable him to answer the complaint. The complaint or statement shall be read to the accused, who may plead to or answer the same, or make a counter-statement. The trial shall thereupon be proceeded with in a summary manner, and the case shall be decided by the court, unless, at the time for pleading or answering, the accused shall demand a jury, in which case the trial shall be upon the complaint and plea of not guilty.

## Amendments of Complaint and Adjournments.

R. S. 4302 (33 U. S. C. 393). It shall be lawful for the court to allow the district attorney to amend his statement of complaint at any stage of the proceedings, before verdict, if, in the opinion of the court, such amendment will work no injustice to the accused; and if it appears to the court that the accused is unprepared to meet the charge as amended, and that an adjournment of the cause will promote the ends of justice, such adjournment shall be made, until a further day, to be fixed by the court.

## Challenge to Jurors.

R. S. 4303 (33 U. S. C. 394). At the trial in summary cases, if by jury, the United States and the accused shall each be entitled to three peremptory challenges. Challenges for cause, in such cases, shall be tried by the court without the aid of triers.

#### Limit of Sentence.

R. S. 4304 (33 U. S. C. 395). It shall not be lawful for the court to sentence any person convicted in such trial to any greater punishment than imprisonment in jail for one year, or to a fine exceeding \$500, or both, in its discretion, in those cases where the laws of the United States authorize such imprisonment and fine.

# Recovery of Penalties and Forfeitures.

R. S. 4305 (33 U. S. 396). All the penalties and forfeitures which may be incurred for offenses against this Title [R. S. 4131–4305–33 U. S. C., chaps. 2 to 8 inclusive] may be sued for, prosecuted, and recovered in such court, and be disposed of in such manner, as any penalties and forfeitures which may be incurred for offenses against the laws relating to the collection of duties, except when otherwise expressly prescribed.

# Right of Action; Where and by Whom Brought.

Mar. 30, 1920, sec. 1 (46 U. S. C. 761). Whenever the death of a person shall be caused by wrongful act, neglect, or default occurring on the high seas beyond a marine league from the shore of any State, or the District of Columbia, or the Territories or dependencies of the United States, the personal representative of the decedent may maintain a suit for damages in the district courts of the United States, in admiralty, for the exclusive benefit of the decedent's wife,

husband, parent, child, or dependent relative against the vessel, person, or corporation which would have been liable if death had not ensued.

#### Amount and Apportionment of Recovery

Mar. 30, 1920, sec. 2 (46 U. S. C. 762). The recovery in such suit shall be a fair and just compensation for the pecuniary loss sustained by the persons for whose benefit the suit is brought and shall be apportioned among them by the court in proportion to the loss they may severally have suffered by reason of the death of the person by whose representative the suit is brought.

#### LIMITATIONS

Mar. 30, 1920, sec. 3 (46 U.S. C. 763). Such suit shall be begun within two years from the date of such wrongful act, neglect, or default, unless during that period there has not been reasonable opportunity for securing jurisdiction of the vessel, person, or corporation sought to be charged; but after the expiration of such period of two years the right of action hereby given shall not be deemed to have lapsed until ninety days after a reasonable opportunity to secure jurisdiction has offered.

#### RIGHTS OF ACTION GIVEN BY LAWS OF FOREIGN COUNTRIES

Mar. 30, 1920, sec. 4 (46 U. S. C. 764). Whenever a right of action is granted by the law of any foreign State on account of death by wrongful act, neglect, or default occurring upon the high seas, such right may be maintained in an appropriate action in admiralty in the courts of the United States without abatement in respect to the amount for which recovery is authorized, any statute of the United States to the contrary notwithstanding.

#### DEATH OF PLAINTIFF PENDING ACTION

Mar. 30, 1920, sec. 5 (46 U. S. C. 765). If a person die as the result of such wrongful act, neglect, or default as is mentioned in section 1 during the pendency in a court of admiralty of the United States of a suit to recover damages for personal injuries in respect of such act, neglect, or default, the personal representative of the decedent may be substituted as a party and the suit may proceed as a suit under this Act for the recovery of the compensation provided in section 2.

### Contributory Negligence

Mar. 30, 1920, sec. 6 (46 U. S. C. 766). In suits under this Act the fact that the decedent has been guilty of contributory negligence shall not bar recovery, but the court shall take into consideration the degree of negligence attributable to the decedent and reduce the recovery accordingly.

# Exceptions From Operation of Act.

Mar. 30, 1920, sec. 7 (46 U. S. C. 767). The provisions of any State statute giving or regulating rights of action or remedies for

death shall not be affected by this Act. Nor shall this Act apply to the Great Lakes or to any waters within the territorial limits of any State, or to any navigable waters in the Panama Canal Zone. Pending Suits.

Mar. 30, 1920, sec. 8 (46 U. S. C. 768). This Act shall not affect any pending suit, action, or proceeding.

#### Collector's Reports.

June 17, 1930, sec. 603 (19 U. S. C. 1603). Whenever a seizure of merchandise for violation of the customs laws is made, or a violation of the customs laws is discovered, and legal proceedings by the United States attorney in connection with such seizure or discovery are required, it shall be the duty of the collector or the principal local officer of the Customs Agency Service to report such seizure or violation to the United States attorney for the district in which such violation has occurred, or in which such seizure was made, and to include in such report a statement of all the facts and circumstances of the case within his knowledge, with the names of the witnesses and a citation to the statute or statutes believed to have been violated, and on which reliance may be had for forfeiture or conviction. (June 10, 1933, Ex. Ord. 6166, sec. 5; June 25, 1938, sec. 27.)

#### Prosecution.

June 17, 1930, sec. 604 (19 U. S. C. 1604). It shall be the duty of every United States district attorney immediately to inquire into the facts of cases reported to him by collectors and the laws applicable thereto, and if it appears probable that any fine, penalty, or forfeiture has been incurred by reason of such violation, for the recovery of which the institution of proceedings in the United States district court is necessary, forthwith to cause the proper proceedings to be commenced and prosecuted, without delay, for the recovery of such fine, penalty, or forfeiture in such case provided, unless, upon inquiry and examination, such district attorney decides that such proceedings cannot probably be sustained or that the ends of public justice do not require that they should be instituted or prosecuted, in which case he shall report the facts to the Secretary of the Treasury for his direction in the premises.

# Custody.

June 17, 1930, sec. 605 (19 U. S. C. 1605). All vessels, vehicles, merchandise, and baggage seized under the provisions of the customs laws, of laws relating to the navigation, registering, enrolling or licensing, or entry or clearance, of vessels, unless otherwise provided by law, shall be placed and remain in the custody of the collector for the district in which the seizure was made to await disposition according to law.

# Appraisement.

June 17, 1930, sec. 606 (19 U. S. C. 1606). The collector shall require the appraiser to determine the domestic value, at the time and place of appraisement, of any vessel, vehicle, merchandise, or baggage seized under the customs laws.

#### Value \$1,000 or Less.

June 17, 1930, sec. 607 (19 U. S. C. 1607). If such value of such vessel, vehicle, merchandise, or baggage returned by the appraiser, does not exceed \$1,000, the collector shall cause a notice of the seizure of such articles and the intention to forfeit and sell or otherwise dispose of the same according to law to be published for at least three successive weeks in such manner as the Secretary of the Treasury may direct. For the purposes of this section and sections 610 and 612 of this Act merchandise the importation of which is prohibited shall be held not to exceed \$1,000 in value. (June 25, 1938, sec. 28.)

#### Claims: Judicial Condemnation.

June 17, 1930, sec. 608 (19 U.S. C. 1608). Any person claiming such vessel, vehicle, merchandise, or baggage may at any time within twenty days from the date of the first publication of the notice of seizure file with the collector a claim stating his interest therein. Upon the filing of such claim, and the giving of a bond to the United States in the penal sum of \$250, with sureties to be approved by the collector, conditioned that in case of condemnation of the articles so claimed the obligor shall pay all the costs and expenses of the proceedings to obtain such condemnation, the collector shall transmit such claim and bond, with a duplicate list and description of the articles seized, to the United States attorney for the district in which seizure was made, who shall proceed to a condemnation of the merchandise or other property in the manner prescribed by law.

#### Summary Forfeiture and Sale.

JUNE 17, 1930, sec. 609 (19 U. S. C. 1609). If no such claim is filed or bond given within the twenty days hereinbefore specified, the collector shall declare the vessel, vehicle, merchandise, or baggage forfeited, and shall sell the same at public auction in the same manner as merchandise abandoned to the United States is sold, or otherwise dispose of the same according to law, and shall deposit the proceeds of sale, after deducting the actual expenses of seizure, publication and sale, in the Treasury of the United States. (June 25, 1938, sec. 28b.)

# VALUE MORE THAN \$1,000

June 17, 1930, sec. 610 (19 U. S. C. 1610). If the value returned by the appraiser of any vessel, vehicle, merchandise, or baggage so seized is greater than \$1,000, the collector shall transmit a report of the case, with the names of available witnesses, to the United States attorney for the district in which the seizure was made for the institution of the proper proceedings for the condemnation of such property.

#### SALE UNLAWFUL

JUNE 17, 1930, sec. 611 (19 U. S. C. 1611). If the sale of any vessel, vehicle, merchandise, or baggage forfeited under the customs laws in the district in which seizure thereof was made be prohibited by the laws of the State in which such district is located, or if a sale may be made more advantageously in any other district, the Secretary of the Treasury may order such vessel, vehicle, merchandise, or baggage to be transferred for sale in any customs district in which the sale

thereof may be permitted. Upon the request of the Secretary of the Treasury, any court may, in proceedings for the forfeiture of any vessel, vehicle, merchandise, or baggage under the customs laws, provide in its decree of forfeiture that the vessel, vehicle, merchandise, or baggage. so forfeited, shall be delivered to the Secretary of the Treasury for disposition in accordance with the provisions of this section. If the Secretary of the Treasury is satisfied that the proceeds of any sale will not be sufficient to pay the costs thereof, he may order a destruction by the customs officers: *Provided*, That any merchandise forfeited under the customs laws, the sale or use of which is prohibited under any law of the United States or of any State, may, in the discretion of the Secretary of the Treasury, be destroyed, or remanufactured into an article that is not prohibited, the resulting article to be disposed of to the profit of the United States only.

#### SUMMARY SALE

June 17, 1930, sec. 612 (19 U.S. C. 1612). Whenever it appears to the collector that any vessel, vehicle, merchandise, or baggage seized under the customs laws is liable to perish or to waste or to be greatly reduced in value by keeping, or that the expense of keeping the same is disproportionate to the value thereof, and the value of such vessel, vehicle, merchandise, or baggage as determined by the appraiser under section 606 of this Act, does exceed not \$1,000, and such vessel, vehicle, merchandise, or baggage has not been delivered under bond, the collector shall, within twenty-four hours after the receipt by him of the appraiser's return proceed forthwith to advertise and sell the same at auction under regulations to be prescribed by the Secretary of the Treasury. If such value of such vessel, vehicle, merchandise, or baggage exceeds \$1,000 the collector shall forthwith transmit the appraiser's return and his report of the seizure to the United States district attorney, who shall petition the court to order an immediate sale of such vessel, vehicle, merchandise, or baggage, and if the ends of justice require it the court shall order such immediate sale, the proceeds thereof to be deposited with the court to await the final determination of the condemnation proceedings. Whether such sale be made by the collector or by order of the court, the proceeds thereof shall be held subject to claims of parties in interest to the same extent as the vessel, vehicle, merchandise, or baggage so sold would have been subject to such claim.

# Disposition of Proceeds of Forfeited Property.

June 17, 1930, sec. 613 (19 U. S. C. 1613). Any person claiming any vessel, vehicle, merchandise, or baggage, or any interest therein, which has been forfeited and sold under the provisions of this Act, may at any time within three months after the date of sale apply to the Secretary of the Treasury if the forfeiture and sale was under the customs laws, or to the Secretary of Commerce if the forfeiture and sale was under the navigation laws, for a remission of the forfeiture and restoration of the proceeds of such sale, or such part thereof as may be claimed by him. Upon the production of satisfactory proof that the applicant did not know of the seizure prior to the declaration or condemnation of forfeiture, and was in such circumstances as prevented him from knowing of the same, and that such

forfeiture was incurred without any willful negligence or intention to defraud on the part of the applicant, the Secretary of the Treasury or the Secretary of Commerce may order the proceeds of the sale, or any part thereof, restored to the applicant, after deducting the cost of seizure and of sale, the duties, if any, accruing on the merchandise or baggage, and any sum due on a lien for freight, charges, or contribution in general average that may have been filed. If no application for such remission or restoration is made within three months after such sale, or if the application be denied by the Secretary of the Treasury or the Secretary of Commerce, the proceeds of sale shall be disposed of as follows:

(1) For the payment of all proper expenses of the proceedings of forfeiture and sale, including expenses of seizure, maintaining the custody of the property, advertising and sale, and if condemned by a decree of a district court and a bond for such costs was not given,

the costs as taxed by the court;

(2) For the satisfaction of liens for freight, charges, and contributions in general average, notice of which has been filed with the

collector according to law; and
(3) The residue shall be deposited with the Treasurer of the United States as a customs or navigation fine. (June 25, 1938, sec. 29.)

#### Release of Seized Property.

June 17, 1930, sec. 614 (19 U. S. C. 1614). If any person claiming an interest in any vessel, vehicle, merchandise, or baggage seized under the provisions of this Act offers to pay the value of such vessel, vehicle, merchandise, or baggage, as determined under section 606 of this Act, and it appears that such person has in fact a substantial interest therein, the collector may, subject to the approval of the Secretary of the Treasury if under the customs laws, or the Secretary of Commerce if under the navigation laws, accept such offer and release the vessel, vehicle, merchandise, or baggage seized upon the payment of such value thereof, which shall be distributed in the order provided in section 613 of this Act.

# Burden of Proof in Forfeiture Proceedings.

June 17, 1930, sec. 615 (19 U. S. C. 1615). In all suits or actions brought for the forfeiture of any vessel, vehicle, merchandise, or baggage seized under the provisions of any law relating to the collection of duties on imports or tonnage, where the property is claimed by any person, the burden of proof shall lie upon such claimant; and in all suits or actions brought for the recovery of the value of any vessel, vehicle, merchandise, or baggage, because of violation of any such law, the burden of proof shall be upon the defendant: Provided, That probable cause shall be first shown for the institution of such suit or action, to be judged of by the court, subject to the following rules of proof:

(1) The testimony or deposition of the officer of the customs who has boarded or required to come to a stop or seized a vessel or vehicle, or has arrested a person, shall be prima facie evidence

of the place where the act in question occurred.

(2) Marks, labels, brands, or stamps, indicative of foreign origin, upon or accompanying merchandise or containers of merchandise, shall be prima facie evidence of the foreign origin of such

merchandise.

(3) The fact that a vessel of any description is found, or discovered to have been, in the vicinity of any hovering vessel and under any circumstances indicating contact or communication therewith, whether by proceeding to or from such vessel, or by coming to in the vicinity of such vessel, or by delivering to or receiving from such vessel any merchandise, person, or communication, or by any other means effecting contact or communication therewith, shall be prime facie evidence that the vessel in question has visited such hovering vessel. (Aug. 5, 1935, sec. 207.)

Compromise of Government Claims Prohibited; Exception.

June 17, 1930, sec. 616 (19 U. S. C. 1616). It shall not be lawful for any officer of the United States to compromise or abate any claim of the United States arising under the customs laws for any fine, penalty, or forfeiture, and any such officer who compromises or abates any such claim or attempts to make such compromise or abatement, or in any manner relieves or attempts to relieve any person, vessel, vehicle, merchandise, or baggage from any such fine, penalty, or forfeiture shall be guilty of a felony and upon conviction thereof shall be punished by a fine of not more than \$5,000 or by imprisonment for a term of not exceeding two years: Provided, That the Secretary of the Treasury shall have power to remit or mitigate any such fine, penalty, or forfeiture, or to compromise the same in the manner provided by law.

Compromise of Government Claims by Secretary of Treasury.

June 17, 1930, sec. 617 (19 U.S. C. 1617). Upon a report by a collector, district attorney, or any special attorney or customs agent, having charge of any claim arising under the customs laws, showing the facts upon which such claim is based, the probabilities of a recovery and the terms upon which the same may be compromised, the Secretary of the Treasury is hereby authorized to compromise such claim, if such action shall be recommended by the General Counsel for the Department of the Treasury. (May 10, 1934, sec. 512.)

# Chapter XLVIII.—CONSULAR DISTRICTS AND CONSULAR OFFICERS OF THE UNITED STATES

Allocation of provinces, states, etc., to consular districts

[This list contains only those countries the areas of which have been formally or informally assigned to consular districts. Consulates general are marked c, g, i, vice consulates, r, c, i consulates are unmarked. Consular agencies do not appear since their districts are included within the districts of the offices to which the agencies are subordinate.]

Administrative division	Consular district	Administrative division	Consular district
AFGIIANISTAN	,	AFRICA—continued	
All of Afghanistan	Karachi, India	Countries, colonies, protec- torates, etc.—Continued	
AFRICA 1		toracco, sec. continued	
(Including related islands)		Gold Coast (Br. W. Africa)	Lagos, Nigeria
(including related islands)		lfni	Barcelona, Spain, c. g.
Countries, colonies, protec-		Italian Somaliland Ivory Coast [Côte d'Ivoire]	Naples, Italy, c. g. Paris, France, c. q.
terales, etc.		Kenya Colony and Protec-	Nairobi, Kenya
Algeria (including the Ter-	Algiers, Algeria, c. g.	torate (Br. E. Africa).	
ritories of the South).		Liberia. See Liberia.	
Anglo-Egyptian Sudan 2	Cairo, Egypt	Libya [Libia Italiana]	Naples, Italy, c. g.
Angola (including Cabin- da).	Lisbon, Portugal, c. g.	Madagascar. See Mada- gascar.	
Annobon (island)	Barcelona, Spain, c. g.	Madeira Islands. See Ma-	
Ascension (island)	Capetown, Union of	deira.	
5	South Africa, c. g.	Mauritania (Fr. W. Africa)	Paris, France. c. g.
Basutoland Protector-	Durban, Natal Capetown, Union of	Mauritius (island) Middle Congo [Moyen-	Durban, Natal Léopoldville, Belgian
ate.	South Africa, c. q.	Congo] (Fr. Equat. Afri-	Congo
Belgian Congo	Léopoldville, Belgian	ca).	
B 1 1 B	Congo	Morocco. See Morocco.	7
British Somaliland Pro- tectorate.	Aden	Mozambique (Port. E. Africa).	Lourenço Marques
Cabinda. See Angola.		Natal. See under Union of	
Cameroons (Br. mandate)	Lagos, Nigeria	South Africa.	
Cameroun (Fr. mandate)	Paris, France, c. g.	Niger (Fr. W. Africa)	Paris, France, c. g.
Canary Islands. See Ca-		Nigeria (Br. W. Africa) Northern Rhodesia	Lagos, Nigeria Johannesburg, Trans
nary Islands. Cape of Good Hope Prov-		Northern Knodesia	vaal
ince. See under Union of		Nossi Bé. See Madagascar.	V 0403
South Africa.	İ	Nyasaland Protectorate	Johannesburg, Trans-
Cape Verde Islands. See		O-amos E-as State See	vaal
Cape Verde Islands. Chad (Fr. Equat. Africa)	Léopoldville, Belgian	Orange Free State. See under Union of South	
Chad (Fr. Equat. Arrica):	Congo	Africa.	
Comoro Islands. See Mad-		Pemba. See Zanzibar.	w., w
agascar.	Danaslana Spain a a	Portuguese Guinea	Lisbon, Portugal, c. g. Lisbon, Portugal, c. g.
Corisco (island) Dahomey (Fr. W. Africa)	Barcelona, Spain, c. g. Paris, France, c. g.	Principe [Prince's Island] Réunion (island)	Paris, France, c. g.
Egypt. See Egypt,	Taris, Tranco, or y.	Rhodesia. See Northern	
Elobey Islands, Great and	Barcelona, Spain, c. g.	Rhodesia and Southern	
Little.	Naples Italy a g	Rhodesia. Rio de Oro	Barcelona, Spain, c. g.
Eritrea. Fernando Po (island)	Naples, Italy, c. g. Barcelona, Spain, c. g.	Rio Muni (Spanish	Barcelona, Spain, c. g.
French Equatorial Africa.	Léopoldville, Belgian	Guinea).	
	Congo	Ruanda-Urundi (Belgian	Léopoldville, Belgian
French Guinea [Guinée française] (Fr. W. Africa).	Paris, France, c. g.	mandate). St. Helena (island)	Congo Capetown, Union of
French Somali Coast	Aden	St. Helena (Island)	South Africa, c. g.
French Sudan [Soudan	Paris, France, c. g.	Ste. Marie (island). See	
français] (Fr. W. Africa).	,	Madagascar.	Titalian Dantumal : -
French West Africa	Paris, France, c. g.	São Tomé [St. Thomas]	Lisbon, Portugal, c. g.
Gabon (Fr. Equat. Africa)	Léopoldville, Belgian Congo	(island). Sénégal (Fr. W. Africa)	Paris, France, c. g.
Gambia (Br. W. Africa)	Lagos, Nigeria	Sevenelles and adjacent	Nairobi, Kenya
Glorious Islands [Hes Glo-		British islands.	
rieuses]. See Madagascar.	l l		

 <sup>1</sup> For convenience of reference and economy of space, sultanates, kingdoms, etc., in Arabia are entered under Arabia rather than separately under the names of the political and geographical entities concerned.
 2 Assigned informally to the jurisdiction of the consular office indicated.

Administrative division	Consular district	Administrative division	Consular district
AFRICA—continued		AUSTRALIA—continued	
Countries, colonies, protec- torates, etc.—Continued		State or territory—Contd.	
Sierra Leone (Br. W. Africa). South Africa, Union of. See Union of South Africa.	Lagos, Nigeria	Papua (ter.) Queensland South Australia Tasmania Victoria. Western Australia	Sydney, c. g. Brisbane. Adelaide Melbourne Melbourne Perth
South-West Africa (man-date).	Capetown, Union of South Africa, c. g. Johannesburg, Trans-	AZORES	
Southern Rhodesia	vaal Johannesburg, Trans-	All of the Azores [Acores]	St. Michael
Tangan yika Territory	vaal Nairobi, Kenya	BAHAMAS	
(British mandate). Tangier (international	Transco, Tronge	All of the Bahama Islands	Nassau
zone). See under Moroc-		BELGIUM	
Togoland (Br. mandate) Togoland (Fr. mandate)	Lagos, Nigeria Paris, France, c. g.	Province 3	Antworn -
Transvaal. See under Union of South Africa.	Constant II-in af	Antwerp [Anvers, Antwerpen]. Brabant	Antwerp, c. g. Brussels
Tristan do Cunha (island) Tunisia	Capetown, Union of South Africa, c. g. Tunis, Tunisia Léopoldville Belgian	Flanders, East [Flandre Orientale, Oost Vlaan-	Antwerp, c. g.
Tunisia Ubangi-shari [Oubanghi- Chari] (Fr. Equat. Africa) Uganda (Br. E. Africa)	Congo Nairobi, Kenya	deren]. Flanders, West [Flandre Occidentale, West Vlaanderen]	Antwerp, c g.
Union of South Africa.  See Union of South Africa.		deren]. Hainaut [Haiuaut, Henegouw].	Brussels
Zanzibar (including Pem- ba).	Nairobi, Kenya	Liége [Liége, Luik] Limburg [Limbourg, Lim- burg].	Antwerp, c. g. Antwerp, c. g.
The Republic of Andorra.	Barcelona, Spain, c. g.	Luxembourg [Luxembourg, Luxemburg].	Brussels.
ARABIA 1	Barceiona, Spain, c. g.	Namur [Namur, Namen]	Brussel <b>s.</b>
Aden Colony and Protecto-	Aden	BERMUDA	
rate. Bahrein Islands <sup>2</sup>	Baghdad, c. g.	All of the Bermudas	Hamilton
Kuwait <sup>2</sup> Oman (Muscat) <sup>2</sup>	Baghdad, c. g. Baghdad, c. g.	BOLIVIA	
Qatar <sup>2</sup>	Baghdad, c . g. Cairo	All of Bolivia	La Paz
except El Hasa. El Hasa <sup>2</sup>	Baghdad, c. g.	BRAZIL	
Trucial Coast <sup>2</sup> Yemen <sup>2</sup>	Baghdad, c. g. Aden	State (or territory) Acre (ter.)	Pará
ARGENTINA		AlagôasAmazonas	Pernambuco [Recife] Pará
All of Argentina	Buenos Aires, c. g.	Bahia Ceará	Bahia Pernambuco [Recife]
AUSTRALIA		Districto Federal	Rio de Janeiro, c. g. Rio de Janeiro, c. g.
(Including appertaining islands)		Espirito Santo Goyaz Maranhão Matto Grosso	Rio de Janeiro, c. g. Pará São Paulo, c. g.
State (or territory)		Minas Geraes Parã	Rio de Janeiro, c. g. Pará
Federal Capital Territory Nauru (mandated ter. of Great Britain, Australia, and New Zealand).	Sydney, $c. g.$ Sydney, $c. g.$	Paraliyba Paranā Pernambuco Piauhy:	Pernambuco [Recife] São Paulo, c. g. Pernambuco [Recife]
New Guinea (mandated ter.).	Sydney, c. g.	That portion of the State lying south of 8° south	Bahia
New South Wales Norfolk Island (ter.) Northern Territory of Australia.	Sydney, c. g. Sydney, c. g. Sydney, c. g.	latitude.  That portion of the State lying north of 8° south latitude.	Pará

For convenience of reference and economy of space, sulfanates, kingdoms, etc., in Arabia are entered under Arabia rather than separately under the names of the political and geographical entities concerned.
 Assigned informally to the jurisdiction of the consulor office indicated.
 The name first given is the form usually employed in English; the names in brackets are (1) the French name, and (2) the Flemish name.
 Includes the Cantons of Eupen and Malmédy, which were ceded to Belgium by the Treaty of Versailles and joined to the Province of Liège in accordance with a decree of March 6, 1926.

Administrative division	Consular district	Administrative division	Consular district
BRAZIL—continued		CHILE	
State (or territory)-Contd.		Province	
	Rio de Janeiro, c. g.	A concagua Antofagasta	Valparaiso Antofagasta
Rio de Janeiro Rio Grande do Norte	Pernambuco [Recife]	Atacama	Antolagasta Antolagasta
Rio Grande do Sul	Porto Alegre	Aysen	Santiago, c. q.
Santa Catharina São Paulo:	São Paulo	Bio-Bio Cautin	Santiago, c. g. Santiago, c. g.
The port and munici- pality of Santos and	Santos	Chiloé	Santiago, c. g.
pality of Santos and the municipality of		Colchagua Concepción	Santiago, c. g. Santiago, c. g.
São Vicente.		Coquimbo	Valparaiso
The State of São Paulo except the port and	São Paulo, c. g.	Magallanes Maule	Santiago, c. g.
municipality of Santos		Nuble	Santiago, c. g. Santiago, c. g.
and the municipality of São Vicente.		Santiago	Santiago, c. g.
Sergipe	Bahia	Talca Tarapacá	Santiago, c. g. Antofagasta
		Valdīvia	Santiago, c. g.
BRITISH MALAYA		Valparaiso	Valparaiso
(Straits Settlements, Fed-		CHINA AND ADJACENT TERRITORY	
erated Malay States, Un- federated Malay States,		Province	
and British protectorates		Anhwei	Shanghai, c. g.
in Borneo)		Chahar Chekiang	Tientsin, $c. g.$ Shanghai, $c. g.$
Colony (or state)		Chihli, See Hopeh.	
Borneo, North	Singapore, c. g.	Chinghai [Kokonor] Fengtien. See Liaoning.	Hankow, c. g.
Brunel, in Borneo	Singapore, c. g.	Fukien:	
Johore (U. M. S.) Kedah (U. M. S.)	Singapore, c. g.	That portion of the	Amoy
Kelantan (U. M. S.)	Penang Singapore, c. g.	Province comprised in the prefectures of Ting-	
Labuan (S. S.) Malacca (S. S.)	Singapore, c.g.	chowfu, Changehowfu,	
Malacca (S. S.) Negri Semblian (F. M. S.)	Singapore, c. g. Singapore, c. g.	Chüanchowfu, and the independent subprefec-	
Pahang (F. M. S.)	Singapore, c. g.	ture of Lungyenchow.	
Pahang (F. M. S.)  Penang (S. S.), including  Province Wellesley.	Penang	All of the Province ex- cept the four prefec-	Foochow
Perak (F. M. S.)	Penang	tures comprising the	
Perns (U. M. S.)	Penang	Amoy consular dis- trict.	
Sarawak, in Borneo Selangor (F. M. S.)	Singapore, c. g. Singapore, c. g.	Heilungkiang	Harbin, c. g.
Singapore (S. S.), includ-	Singapore, c. g.	Honan:	Howkers a a
Singapore (S. S.), including Cocos or Keeling Islands and Christmas		That portion of the Prov- ince lying south of the	Hankow, c. g.
Island in the Indian		Yellow River.	mi
Ocean. Trengganu (U. M. S.)	Singapore, c. g.	That portion of the Prov- ince lying north of the	Tientsin, c. g.
	onegaporo, and	Yellow River.	
BULGARIA		Hong Kong: All of the British colony	Hong Kong, c. g.
All of Bulgaria	Sofia	Hopeh [Chihli]	Tientsin, $c. g.$
BURMA		Hunan Hupeh	Hankow, c. g. Hankow, c. g.
		Jehol	Tientsin, c. g.
All of Burma	Rangoon	Kansu Jehol	Hankow, c. g. Tientsin, c. g.
CANARY ISLANDS		Kansu	Hankow, c. g.
Province		Kiangsi Kiangsu Kiangsu	Hankow, c. g. Shanghai, c. g.
		Kirin:	
Las Palmas, comprising the islands of Fuerteven-	Las Palmas	That portion of the Prov- ince lying north of 44°	Harbin, c. g.
tura, Gran Canaria, and		north latitude, includ-	
Lanzarote, and adjacent		ing the following places open to trade: Harbin,	
islands. Santa Cruz de Tenerife,	Tenerife	Ninguta, Sansing, and	
comprising the islands of		Suifenho.	Mukden, c. g.
Gomero, Hierro [Ferro], Palma, and Tenerife.		That portion of the Prov- ince lying south of 44°	TILLEGER, C. y.
		north latitude, includ-	
CAPE VERDE ISLANDS		ing the following places open to trade: Chang-	
All of the Cape Verde	Lisbon, Portugal, c. g.	chun [Kwanchengtze],	
Islands.		Hunchun, Kirin, Lung- chingtsun, Towtao-	
CEYLON		kow, Wangching [Pait-	
All of Ceylon	Colombo	saokow], and Yenki [Chützuchieh]	
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Administrative division	Consular district	Administrative division	Consular district
CHINA AND ADJACENT TERRITORY—continued		colombiacontinued	
Province—Continued		Departamento, intendencia, or comisaria—Continued	
Kokonor. See Chinghai. Kwangsi	Canton, c. g.	Antioquia (dept.)—Contd.	
Kwangtung: That portion of the Prov-	Canton, c. g.	point due west of Da- beiba, and thence due	
ince lying west of 115° east longitude.	2 1	northeast to the north- ern boundary of the	
That portion of the Prov- ince lying east of 115°	Swatow	Department. That portion of the De-	Cartagena
east longitude. Kwantung Leased Terri-	Dairen	partment not included in the Barranquilla con- sular district.	
tory. Kweichow Liaoning [Fengtien]:	Canton, c. g.	Atlántico (dept.)	Barranquilla Cartagena
All of the Province ex-	Mukden, $c. g.$	Bolívar (dept.) Boyacá (dept.) Caldas (dept.):	Bogotá
of Kwantung.  Macau (Portuguese colo-	Hong Kong, c. g.	That portion of the Department lying east of	Bogotá
ny)	Tientsin, c. g.	the Cauca River basin. That portion of the De-	Cali
Aongolia, including the (special) administrative districts of Chahar, Jehol, and Suiyuan.		partment not included in the Bogotá consular	
hol, and Suiyuan. Ninghsia	Tientsin, c. g.	district Caquetá (com.)	Bogotá
hansi hantung:	Tientsin, c. g.	Cauca (dept.) Chocó (int.):	Cali
That portion of the Prov- ince northeast of a line	Chefoo	That portion of the Intendencia lying south	Cali
drawn along the north- east shore of the em-		of 6°15′ north latitude. That portion of the In-	Cartagena
east shore of the embayment of Tingtzet- sui Kow to the mouth of the Wulung Ho,		tendencia not included in the Buenaventura eonsular district.	
		Cundinamarea (dept.)	
erly direction across the peninsula to the mouth of the Kiao Ho,		Goajira (com.) Huila (dept.)	Barranquilla Bogotá
through the towns of		Magdalena (dept.) Meta (int.)	Barranquilla Bogotá
Chuhkow and Shaho (both included in this		Meta (int.) Nariño (dept.) Putumayo (com.)	Cali Bogotá
district). That portion of the Prov-	Tsinan	(int.—islands in the Car-	Cartagena
ince west of a line which follows the Kiao		ibbean). Santander (dept.)	Barranquilla
Ho southward from its mouth to its source,		Santander del Norte (dept.)	Bogotá
thence to the nearer source of the Taolin		Valle (dept.) Vaupés (com.)	Cali Bogotá
Ho and along the Tac- lin Ho to the sea.	Main et a -	Vichada (com.)	Bogotá
That portion of the Province lying between the	Tsingtao	COSTA RICA	
Chefoo and Tsinan consular districts.	Hankow, c. g.	Province	
ikang [Chwanpien] inkiang [Chinese Turki-	Yünnanfu Hankow, c. q.	Alajuela	San José San José
stan].	Tientsin, c. g.	Cartago Guanacaste Heredia	San José San José
Zechwan	Hankow. c. g. Yünnanfu	Limón Puntarenas	Port Limón
Yunnan	Yûnnanfu	San José	San José
COLOMBIA		CUBA	
Departamento, intendencia, or comisaria		Province	
Amazonas (com.)	Bogotá Bogotá	Camagüey Habana (including the Isla	Nuevitas Habana c. g.
Arauca (com.) Antioquia (dept.): That portion of the De-	Barranquilla	de Pinos or Isle of Pines).  Matanzas	Matanzas
partment lying east and southeast of a line	Darranquinis	Oriente: That part of the Prov-	Santiago de Cuba
drawn from the south- ern boundary of Anti-		ince of Oriente south	Salvingo do Cuba
oquia due north on the meridian of 76°40' west		Cape Maisi (latitude 20°15' north, longitude	
of Greenwich to a		74°09' west of Green-	

A desinistanti di-ini	Congular district	Administrative divisi	Company 21 4 1 1
Administrative division	Consular district	Administrative division	Consular district
cuba—continued		EL SALVADOR	
Province—Continued		All of El Salvador	San Salvador, c. g.
Oriente—Continued.		ESTONIA	
wich) to Cauto Abajo flatitude 20°20′ north, longitude 75°56′ west). situated on the Rio Cauto, and thence along the Rio Cauto to its mouth		All of Estonia	Tallinn
situated on the Rio		FINLAND	
along the Rio Cauto to its mouth.		All of Finland	Helsinki
That part of the Province of Oriente north	Antilla	FRANCE	
of a line drawn from		Département	*
of a line drawn from Cape Maisi (latitude 20°15' north, longitude 74°09' west of Green- wich) to Cauto Abajo (latitude 20°20' north, longitude 75°55' west) situated on the Río		AinAisne	Lyon Lille
74°09' west of Green-		Allier	Lyon
(latitude 20°20' north,		Alpes, Basses- Alpes, Hautes- Alpes-Maritimes	Nice Nice
longitude 75°56′ west)		Alpes-Maritimes	Nice
situated on the Río Cauto, and thence		Alsace. See Bas-Rhin and Haut-Rhin.	
along the Rio Cauto to		Ardèche	Marseille
its mouth. Pinar del Río	Habana. c. g.	Ardennes	Strasbourg Bordeaux
Santa Clara	Cienfuegos	Aube	Paris, c. g. Marseille
CYPRUS		AudeAveyron	Marseide
	D . (2:1 T	Belfort (ter.) Bouches-du-Rhône	Strasbourg
All of the island of Cyprus.	Port Said, Egypt	Calvados	Marseille Cherbourg
CZECHOSLOVAKIA		Cantal Charente	Lyon Bordeaux
All of Czechoslovakia	Prague, Bohemia, c. g.	Charente-Inférieure Cher	Bordeaux Paris, c. q.
DANZIG		Corrèze Corse (island of Corsica)	Bordeaux Marseille
All of the Free City of Dan-	Danzig	Côte-d'Or Côtes-du-Nord	Lyon Nantes
DENMARK		Creuse	Bordeaux
All of Denmark	Copenhagen, c. g.	Deux-Sèrves. See Sèvres, Deux	
DOMINICAN REPUBLIC		Dordogne Doubs	Bordeaux Strasbourg
All of the Dominican Re-	Ciudad Trujillo	Drôme	Marseille
public.	Chaga Trajino	Eura Eure-et-Loir	Havre Paris, c. g.
ECUADOR		Finisètre	Nantes
All of Ecuador (including	Guayaquil, c.g.	Gard	Marseille Bordeaux
the Galápagos Islands).	a day a quii, cig.	Gers	Bordeaux
EGYPT		Gironde	Bordeaux Marseille
Governorate or Mudiria		Ille-et-vilaine	
Alexandria (gov.)	Alexandria, c. g.	IndreIndre-et-Loire	Paris, c. g. Nantes
Aswân (mud.)	Cairo	Isère Jura	Lyon
Asyût (mud.) Behera (mud.)	Alexandria, $c. q$ ,	Landes	Bordeaux
Beni Suef (mud.)	Cairo Cairo	Loir-et-Cher Loire	Paris, c. g. Lyon
Canal (gov.)	Port Said	Loire, Haute-	Lyon
Damietta (gov.) Daqahlia (mud.)	Alexandria, c. g. Alexandria, c. g.	Loire-Inférieure Loiret	Nantes Paris, c. g.
Fayûm (mud.)	Cairo	Lorraine. See Moselle.	
Frontier Districts: The Frontier Districts	Cairo	Lot-et-Garonne	Bordeaux Bordeaux
(Eastern Desert, Egyp-	Cairo	Lozère	Marseille
tian Libyan Desert,		Maine-et-Loire	Nantes Cherbourg
Dâkhla and Kharga Oases, etc.) except the		Manche	Paris, c. q.
Sinai peninsula. Sinai peninsula.	Port Said	Marne, Haute-	Strasbourg Nantes
Gharbia (mud.)	Port Said Alexandria, c. g.	Mayenne Meurthe-et-Moselle	Strasbourg
Girga (mud.)	Cairo	Meuse	Strasbourg Nantes_
Giza (mud.) Menufia (mud.)	Cairo Alexandria, c. g.	Morbihan Moselle	Strasburg
Minia (mud.)	Cairo	Nièvre	Paris, c. g.
Qaliubia (mud.) Qena (mud.)	Alexandria, c. g. Cairo	Nord Oise	Lille Paris, c. g.
Sharqia (mud.)	Alexandria, c. g.	Orne	Cherbourg
Sucz (gov.)		Pas-de-Calais	Calais

Administrative division	Consular district	Administrative division	Consular district
FRANCE—continued		GERMANY—continued	
Département—Continued		State ("Land") or Prussian province—Continued	
Puy-de-Dôme	Lyon Bordeaux	Marienwerder. See Prus-	
Pyrénées, Hautes	Bordeaux Marseille	sia, East. Mecklenburg	Hamburg, c. g.
Rhin, Bas- Rhin, Haut-	Strasbourg	Oldenburg See Prussia,	Bremen
Rhône	Lyon Strasbourg	East. Pfalz [Palatinate]. See un-	
Saône-et-Loire	Lyon	der Bavaria. Pomerania [Pommern]	Berlin, c. g.
SavoieSavoie, Haute	Lyon Lyon	(Prussian prov.). Posen-West Prussia. See	
Seine-Inférieure	Paris, c. g. Havre	under Brandenburg. Prussia. See names of con-	
Seine-et-Marne Seine-et-Oise	Paris, c. g. Paris, c. g.	stituent provinces. Prussia, East [Ostpreussen]	Berlin, c
Sèvres, DeuxSomme	Nantes Havre	(Prussian prov.), includ- ing the Regierungsbezirk	
Farn Farn-et-Garonne	Marseille Bordeaux	Westpreussen. Prussia, West. See under	
VarVaucluse	Marseille Marseille	Prussia, East.	
VendéeVienne	Nantes Nantes	Rhine Province [Rhein- provinz] (Prussian prov.).	Cologne [Köln]
Vienne, Haute	Bordeaux Strasbourg	Saarland [besonderer Ver- waltungsbezirk des	Frankfort on the Main [Frankfurt-am
Yonne	Paris, c. g.	Reichs]. Sudetenland:	Main], c. g.
FRENCH INDOCHINA	Saigan	The Regierungsbezirke Eger and Aussig. The Regierungsbezirk	Dresden
All of French Indochina	Saigon	The Regierungsbezirk Troppau. Saxony (Freistaat Sachsen.)	Breslau
GERMANY State ("Land") or Prussian		All of the State of Saxony except the Kreishaupt-	Dresden
province		mannschaft of Leipzig. The Kreishauptmanu-	Leipzig
AnhaltAnhaltAustria	Leipzig Vienna, c. g.	schaft of Leipzig. Saxony [Provinz Sachsen] (Prussian prov.).	Leipzig
Baden Bavaria [Bayern]: All of the State except	Stuttgart	(Prussian prov.).	Cologne [Köln]
All of the State except the Palatinate [Pfalz].	Munich [München], c. g.	Schaumburg-Lippe Schleswig-Holstein (Prussian prov.).	Hamburg, c. g.
All of the Palatinate [Pfalz].	Frankfort on the Main	Silesia (Prussian prov.)	Breslau Leipzig
Berlin (Prussian prov.)	[Frankfurt-am- Main], c. g. Berlin, c. g.	Thuringia [Thüringen] Westphalia [Westfalen (Prussian prov.).	Cologne [Köln]
Brandenburg (Prusslan prov.), which includes the border district Posen-	Berlin, c. g.	Westpreussen. See under Brandenburg; and also	
the border district Posen- West Prussia [Grenz- mark Posen-Westpreus-		Prussia, East. Württemberg	Stuttgart
sen].	_	GREAT BRITAIN	
Bremen [Bremen und sein Staatsgebiet].	Bremen	(England, Scotland, and	
Brunswick [Braunschweig] Grenzmark Posen-West-	Bremen	Wales)	
preussen. See under Brandenburg.	Wandana	County	D
Hamburg [Hamburg und sein Staatsgebiet].	Hamburg, c. g.	Aberdeen (Scotland) Anglesey (Wales)	Liverpool, England
Hanover [Hannover] (Prussian prov.):	Danman	Angus [Forfar] (Scotland)Argyll (Scotland)	Glasgow, Scotland
All of the Province except the city Cuxhaven.	Bremen	Ayr (Scotland) Banff (Scotland) Bodfordshire(England)	Dundee, Scotland
Cuxhaven (Stadt) Hesse [Hessen]	Hamburg, c. g. Frankfort on the Main [Frankfurt-am-	Bedfordshire(England) Berkshire (England): That portion of the	London, England, c.g
Hesse-Nassau [Hessen-Nas-	Main], c. g.	county lying east of a line drawn through	London, England, t.y
sau] (Prussian prov.): All of the Province except	Frankfort on the Main	Reading (included) southeastwardly to the	
the exclave Schmalkal- den.	[Frankfurt-am- Main], c. g.	Surrey-Hampshire boundary.	
Schmalkalden (kreis) Hohenzollern (Prussian	Leipzig Stuttgart	That portion of the county lying north and	Bristol, England
prov.).	Cologne [Köln]	west of a line drawn northeastwardly from	

Administrative division	Consular district	Administrative division	Consular district
GREAT BRITAIN—con.		GREAT BRITAIN-con.	
County—Continued		County-Continued	
Berkshire (England)—Con. Marlborough (in Wiltshire) through Didcot (excluded) to the Berkshire - Ox for ds hire boundary. That portion of the county not included in the London and Bristol consular districts. Berwick (Scotland). Brecknock (Wales). Buckinghamshire (England). Caithness (Scotland). Cathness (Scotland). Cardiganshire (Wales). Carmarthenshire (Wales). Carmarthenshire (Wales). Carmarthenshire (Wales). Carnartonshire (Wales). Channel Islands, comprising Alderney, Guernsey, Jersey, Sark, etc. Cheshire (England): That portion of the county lying west and south of a line drawn northwestwardly from Harecastle, on the Stafford-Cheshire boundary, to Middlewich (included) and from thence to Warrington in Lancashire. That portion of the county not included in the Liverpool district. Clackmannan (Scotland).	Southampton, England  Edinburgh, Scotland Cardiff, Wales London, England, c.g.  Glasgow, Scotland Dundee, Scotland London, England, c.g.  Cardiff, Wales Cardiff, Wales Liverpool, England Southampton, England Liverpool, England  Liverpool, England  Edinburgh, Scotland	Fife (Scotland)—Con.  the main road being included in the Dundce consular district. That portion of the county not included in the Dundee consular district. Flintshire (Wales)—Forfar. See Angus. Glamorganshire (Wales)—Gloucestershire (England): Hampshire, including the Isle of Wight (England)—Hertfordshire (England)—Hertfordshire (England)—Hertfordshire (England)—Huntingdonshire (England)—Huntingdonshire (England)—Inverness (Scotland): That portion of the county lying north of a line from Rannock following the railroad via Tulloch and Spean Bridge to Gairlochy Inn (all excluded) on the Caledonian Canal, thence northeast to the outlet of Loch Arkaig into Loch Lochy, thence westward by the River Dessary and Loch Nevis to the sea, and including all of the Hebrides or Westward Islands (comprising parts of the counties of Inverness, and Ross and Cromarty).	Edinburgh, Scotland Liverpool, England Cardiff, Wales Bristol, England Southampton, England Cardiff, Wales London, England, c.g London, England, c.g
Cornwall, including the Scilly Isles (England). Cumberland (England): That portion of the county lying north of a line drawn from a point common to the boundaries of Cumberland, Westmorland, and Lancashire, westwardly to St. Bees	Plymouth, England  Newcastle - on - Tyne, England	That portion of the county not included in the Dundee consular district.  Kent (England)	Glasgow, Scotland  London, England, c.g  Dundee, Scotland  Edinburgh, Scotland  Glasgow, Scotland  Glasgow, Scotland  Manchester, England
Head. That portion of the county not included in the Newcastle-on-Tyne consular district. Denbighshire (Wales) Derbyshire (England) Dovonshire (England) Dorsetshire (England)	Liverpool, England Liverpool, England Sheffield, England Plymouth, England Southampton, Eng- land	county lying east of a line drawn from the point where the bound- ary of Westmorland and Laneashire meets the sea, southwardly through Laneaster (in- cluded), Preston (in- cluded), and Wigan (in- cluded), to Warrington	
Dumbarton (Scotland) Dumfries (Scotland) Durham (England)	Glasgow, Scotland Edinburgh, Scotland Newcastle - on - Tyne, England	(excluded).  That portion of the county not included in the Manchester consu-	Liverpool, England
East Lothian [Haddington] (Scotland). Ely, Isle of. See Cambridgeshire.	Edinburgh, Scotland	lar district. Leicestershire (England) Lincolnshire (England):	Birmingham, Eng- land
Essex (England) Fife (Scotland): That portion of the county lying north and east of a line connecting Newburgh on the Tay, Collessie, Cupar, Ceres, and Lower Largo on the Firth of Forth via the main road, these and all other towns on	London, England, c.g.  Dundee, Scotland	That portion of the administrative county known as the Parts of Lindsey in Lincolnshire which lies north of a line drawn from Saltfleet (included) westwardly to a point common to the boundaries of Nottingham, York, and Lincoln.	Hull, England

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Administrative division	Consula <b>r</b> district	Administrative division	Consular district
GREAT BRITAIN-COU.		GREAT BRITAIN-con.	
County-Continued		County—Continued	
Lincolnshire (England)— Continued. The Parts of Kesteven; the Parts of Holland; that portion of the Parts of Lindsey not included in the Hull	Sheffield, Eugland	Sutherland (Scotland)	Dundee, Scotland Birmingham, England Edinburgh, Scotland Newcastle-on-Tyne, England
eonsular district. London (England)	London, England, c.g.	Wight, Isle of (Hampshire, England).	Southampton, Eng-
Man, Isle of Merionethshire (Wales)	Liverpool, England Liverpool England	Wigtown (Scotland) Wiltshire (England):	Glasgow, Scotland
Middlesex (England) Midlothian [Edinburgh] (Scotland).	London, England. c.g. Edinburgh, Scotland	That portion of the county lying south of a line drawn from a	Southampton, Eng- land
Monmouthshire (England) Montgomeryshire (Wales) Moray (Elgin) (Scotland)	Cardiff, Wales Liverpool, England Dundee, Scotland	point common to the boundaries of Wilt- shire, Dorsetshire, and	
Moray [Elgin] (Scotland) Mairn (Scotland) Norfolk (England) Northamptonshire, includ-	Dundee, Scotland London, England, c.g. Birmingham, Eng-	Somersetshire north- eastwardly to Marl- borough (included) and thence to Didcot in	
ing the Soke of Peterbor- ough (England). Northumberland (Eng- land).	land. Newcastle - on - Tyne, England	Berkshire. That portion of the county not included in	Bristol, England
Nottinghamshire (England).	Sheffield, England	the Southampton con- sular district.	
Orkney (Scotland) Oxfordshire (England) Peebles (Scotland)	Dundec, Scotland London, England, c.g. Edinburgh, Scotland	Worcestershire (England): Yorkshire (England): York (city and county	Birmingham, England Bradford, England
Pembrokeshire (Wales) Perth (Scotland) Peterborough, Soke of. See	Cardiff, Wales Dundee, Scotland	borough). East Riding of Yorkshire North Riding of York-	Hull, England
Northamptonshire. Radnorshire (Wales) Renirew (Scotland)	Cardiff, Wales Glasgow, Scotland	shire: That portion of the administrative county	Hull, England
Ross and Cromarty (Scotland).  Roxburgh (Scotland)	Dundee, Scotland Edinburgh, Scotland	lying east of a line drawn from York (ex- cluded) northwest-	
Rutlandshire (England) Scilly Isles. See Cornwall.	Birmingham, Eng- land	wardly to Richmond (excluded), and thence due north to	 
Selkirk (Scotland) Shetland (Scotland) Shropshire (England):	Edinburgh, Scotland Dundee, Scotland	the Yorkshire bound- ary, except the city (county borough) of	
That portion of the county lying south of a line drawn from the	Birmingham, Eng- land	Middlesbrough at the north of the River Tees.	
point where the River Severn cuts the west- ern boundary of Shrop-		The city (county borough) of Middlesbrough.	Newcastle-on-Tyne, England
shire northeastwardly to Market Drayton (ex- cluded).		That portion of the ad- ministrative county not included in the	Bradford, England
That portion of the county not included in the Birmingham con-	Liverpool, England	Hull and Newcastle- on-Tyne consular dis- tricts.	
sular district. Somersetshire (England)	Bristol, England	West Riding of York shire:	
Staffordshire (England) Stirling (Scotland) Suffolk (England):	Birmingham, England Glasgow, Scotland	That pertion of the administrative county lying east of a line	Hull, England
Suffolk (England): Suffolk, East Suffolk, West Surrey (England)	London, England, c. g. London, England, c. g.	drawn from a point common to the boundaries of Lin-	
Sussex (England):	London, England, c. g.  London, England, c. g.	colnshire, Yorkshire, a n d Nottingham- shire northwardly to	
Sussex, East Sussex, West: That portion of the county lying east of a	London, England, c. g.	Thorne (included) and thence to Goole (included) to the	
line drawn from the Surrev-Hampshire	•	county boundary, and the city of Selby	
boundary southeast- wardly to Little- hampton (included).		(adjacent to the East Riding boundary). That portion of the ad-	Sheffield, England
That portion of the county not included in the London con-	Southampton, England	ministrative county lying south and west of a line drawn from	
sular district.	1	a point common to	1

Administrative division	Consular district	Administrative division	Consular district
GREAT BRITAIN-con.		GREECE—continued	
County-Continued		Province [Nomos]—Con.	
Yorkshire (England)—Con. West Riding of York-		Phthiotis-Phokis [Phthió- tidos kal Phokídos]	Athens, $c.g.$
shire—Continued. the boundaries of		Preveza [Prevézés]. Retimo [Rethýmnés], in	Athens, c. g. Athens, c g.
Cheshire, Derbyshire, and Yorkshire east-		Crete.	Salonika
wardly through Pen- istone (included) and		Rodopi [Rodópēs] Salonika [Thessalonikēs] Samos [Sámou]	Salonika Athens, c. g.
Barnsley (included) to Thorne (excluded),		Serres [Serron] Thessalonikës. See Salon-	Salonika
and thence south- wardly to the Lin-		ika. Trikkala [Trikkálon]	Athens, c. g.
colnshire-Notting- hamshire boundary.		Yannina [Ioanninon] Zante [Zakýnthou]	Athens, c. g.
That portion of the ad- ministrative county	Manchester, England	GUATEMALA	
lying west of a line drawn from Colne		All of Guatemala	Guatemala c a
(in Lancashire) north	•	HAITI	Catatemaia, c. g.
wardly to Hawes (North Riding of		All of the Republic of Haiti.	Port on Prince
Yorkshire). That portion of the ad-	Bradford, England	HONDURAS	1 01(-84-1111106
ministrative county not included in the Hull, Sheffield, and		Province (or territory)	
Manchester consular districts.		Atlántida:	
		That portion of the department east of a line	Ceiab
GREECE		which follows the Tela	
Province [Nomos]	441	River from its mouth to its source, but which	
Achaia [Akhaias] Aetolia-Acarnania [Aitolias	Athens, c. g. Athens, c. g.	otherwise follows the meridian of 87°30' west	
kai Akarnanias]. Arcadia [Arkadias]. Argolis-Corinthia [Argoli-	Athens, c. g.	of Greenwich. That portion of the de-	Puerto Cortes
dos kai Korinthias].	Athens, c. g.	partment west of a line which follows the Tela	
Arta [Artēs] Attica-Boeotia [Attikēs kai	Athens, c. g. Athens, c. g.	River from its mouth to its source, placing	
Boiotías]. Candia [Erakleíou], in	Athens, c. g.	New Tela in the Puerto Cortes district, but	
Crete. Canea [Khanion], in Crete	Athens, c. g.	which otherwise follows the meridian of 87°30'	
Cephalonia [Kephallēnias].	Athens, c. g. Athens, c. g.	west of Greenwich. Choluteca.	Tegucigalpa
Chios [Khſoù] Corfu [Kerkýras] Cyclades [Kykládon]	Athens, c. g. Athens, c. g.	Colón Comayagua:	Ceiba
Drama [Drámas] Elis [Elidos].	Salonika Athens. c. g.	That portion of the de- partment north of lati-	Puerto Cortes
Erakleiou. See Candia. Euboea [Evvoias].	Athens, c. g.	tude 14°30′. That portion of the de-	Tegucigalpa
Evros [Evrou] Florina [Phlorinēs]	Salonika Salonika	partment south of lati- tude 14°30'.	
Heraclion. See Candia.	Balonika	Copán Cortes	Puerto Cortes Puerto Cortes
Ioanninon. See Yannina. Kavalla [Kavállas]	Salonika	El Paraíso	Tegucigaipa
Kephallenías. See Cephalonia.		Intibuca	Tegucigalpa Ceiba
Kerkýras. See Corfu. Khalkidike [Khalkidikkës]	Salonika	Islas de la Bahia [Bay Islands].	
Khanion. See Canea. Khiou. See Chios.		La Mosquitia (ter.)	Tegucigalpa
Kozani [Kozáněs] Kykládon, See Cyclades.	Salonika	Ocotepeque	Tegucigalpa
Laconia [Lakonías] Larissa [Larísēs]	Athens, c. g. Athens, c. g.	Santa Barbara Tegucigalpa	Puerto Cortes Tegucigalpa
Lasithion [Lasēthíou], in Crete.	Athens, c. g.	Valle Yoro:	Tegucigalpa
Lemnos, the island Lesbos [Lésvou], except the	Salonika Athens, c. g.	That portion of the department east of the	Cieba
island of Lemnos.  Messina [Messenias]		meridian 87°30' west of Greenwich.	
Mytilini Island. See Les-	Athens, c. g.	That portion of the de-	Puerto Cortes
bos. Pellis [Péllēs]	Salonika	partment west of the meridian 87°30' west of	

Administrative division	Consular district	Administrative division	Consular district
HUNGARY		INDIA AND ADJACENT	
All of Hungary	Budapest	Madras Presidency (gover-	Madras
INDIA AND ADJACENT		nor's province).  Madras States Agency (In-	Madras
TERRITORY 5		dian states).  Mysore (Indian state)	Madras
British province or commis- sionership: separate unit of		Nepal (independent border kingdom).	Calcutta, c. g.
the British Empire; Indian state or agency; independ-		North-West Frontier Prov- ince (governor's prov-	Karachi
ent border state; etc. Aden, the settlement (chief		ince) and Indian states. Orissa (governor's prov-	Calcutta, c. g.
commissionership). See under Arabia, p. 43. Agra and Oudh. Sec		ince). Portuguese India:	
United Provinces of Agra		Damão	Bombay Bombay
and Oudh. Ajmer-Merwara (chief	Karacbi	Gôa	Bombay Karachi
commissionership). Andaman and Nicobar	Calcutta, $c. g.$	Punjab (governor's prov- ince), except Simla district, and Indian	
Islands (chief commissionership).	Calcutta, c. g.	states (including Simla Hill states).	
Assam (governor's prov- ince). Baluchistan (chief commis-	Karachi	Simla, the district Punjab States Agency	Calcutta, c. g. Karachi
sionership). Baluchistan Agency (In-	Karachi	(Indian states). Rajputana Agency (Indian	Karachi
dian states).  Baroda (Indian state)	Bombay	states), except the states Danta and Pal-	
Bengal Presidency (governor's province) and In-	Calcutta, c. g.	anpur. Danta and Palanpur (In-	Bombay
dian states. Bhutan (independent bor-	Calcutta, c. g.	dian states). Sikkim (Indian state)	Calcutta, c. g.
der state). Bihar (governor's province,	Calcutta, $c. g$ .	Sind (governor's province) - Travancore (Indian state).	Karachi
which includes Chota Nagpur).	Caroacta, c. g.	Included in Madras States Agency, q, v.	
Bombay Presidency (governor's province).	Bombay	United Provinces of Agra and Oudh (governor's	Calcutta, c. g.
Burma (separate unit of the British Empire), the	Rangoon, Burma	province) and Indian states.	
Shan States and the Karenni States.		Western India States Agency (Indian states).	Bombay
Central India Agency (Indian states).	Bombay	IRAN	
Central Provinces and Berar (governor's prov-	Bombay	All of Iran [Persia]	Tehran
ince). Cochin (Indian state). In-		IRAQ	
cluded in Madras States Agency, q. v.		All of Iraq (Mesopotamia]	Baghdad, c. g.
Coorg (chief commissioner- ship).	Madras	IRELAND (ÉIRE)	
Deecan States Agency (Indian states).	Bombay	County (province in paren-	
Delhi (chief commissioner-ship).	Calcutta, c. g.	theses) Carlow (Leinster)	Dublin c a
Eastern States Agency (Indian states):	Rember	Cavan (Ulster)	Dublin, c. g.
States formerly in the Central Provinces.	Bombay	Cork (Munster)  Donegal (Ulster)  Dublin (Leinster)	Cork Dublin, c. g.
Feudatory states for- merly in Orissa and Chota Nagpur.	Calcutta, c. g.	Dublin (Leinster) Galway (Connaught)	Dublin, c. g. Dublin, c. g.
French India:	Coloutta e a	Kerry (Munster)	Cork
Chandernagor Karikal Mahé	Madras Madras	Kildare (Leinster) Kilkenny (Leinster) Leitrim (Connaught)	Dublin, c. g.
Pondichéry	Madras Madras	Leix [Queen's] (Leinster) Limerick (Munster)	Dubin, c. y.
Yanaon Gujerat States Agency (In- dian state.	Bombay	Longford (Leinster)	Dublin, c. g.
Gwalior (Indian state)	Bombay Madras	Mayo (Connaught) Meath (Leinster)	Dublin, c. g.
Hyderabad (Indian state) Jammu and Kashmir (Indian state).	Karachi	Monaghan (Ulster)	Dublin, c. g.
Kolhapur (Indian state) Laccadive Islands. Includ-	Bombay	Offaly [King's] (Leinster) Roscommon (Connaught) Sligo (Connaught)	Dublin, c. g. Dublin, c. g.
ed in Madras Presidency, q. v.		Tipperary (Munster) Waterford (Munster)	Cork

<sup>&</sup>lt;sup>5</sup> All inquiries requiring correspondence with an official of an Indian state or agency should be addressed to the consulate general at Calentta.

Administrative division	Consular district	Administrative division	Consular district
IRELAND (ÉRIE)—con.		1TALY—continued	
County (province in parentheses)—Continued		Province (compartimento in parentheses)—Continued	
Westmeath (Leinster) Wexford (Leinster) Wicklow (Leinster)	Dublin, c. g. Dublin, c. g. Dublin, c. g.	Istria. See Pola. Lecce (Puglie) Littoria	Naples, c. g. Rome
IRELAND, NORTHERN		Livorno [Leghorn] (Tos-	Leghorn
County		Lucca (Toscana) Macerata (Marche) Mantova (Lombardia)	Leghorn Rome Milan
All of Northern Ireland, comprising the six Ulster counties of Antrim, Armagh, Down, Fermanagh, Londonderry, and Tyronc.	Belfast	Massa (Toseana) Matera (Basilicata) Messina (Sicilia) Milano (Lombardia) Modena (Emilia) Modena (Emilia) Napoli (Campania) Novara (Piemonte)	Leghorn Naples, c. g. Palermo
TALIAN ISLANDS OF THE AEGEAN		Nuoro (Sardegna) Padova (Veneto) Palermo (Sicilia)	Kome Venice
All of the Italian Islands of the Aegean (Isole Ital- iane dell'Egeo)—the Dodecanese Islands and the island of Castelrosso (Castellorizzo).	Athens, Greece, c. g.	Parma (Emilia) Pavia (Lombardia) Perugia (Umbria) Pessaro (Marche) Pescara (Abruzzi) Piacenza (Emilia)	Milan Milan Rome Rome Rome Milan
ITALY		Pisa Toscana) Pistoia (Toscana) Pola [Istria] (Venezia	Florence
Province (compartimento in parentheses)		Giulia). Potenza (Basilicata)	Trieste Naples, c. g.
Agrigento [Girgenti] (Sicilia) Allesandria (Piemonte) Ancona (Marche) Aosta (Piemonte) Aosta (Piemonte) Aouila (Abruzzi) Arezzo (Toscana) Ascoil Piceno (Marche) Asti. Avellino (Campania) Beari (Puglie) Belluno (Veneto) Benevento (Campania) Bergamo (Lombardia) Bologna (Emilia) Bologna (Emilia) Bologna (Emilia) Bologna (Sardegna) Castanissetta (Sicilia) Campobasso (Abruzzi) Carnaro. See Fiume. Castrogiovanni. See Enna. Catania (Sicilia) Cataniza (Calabria) Catanzaro (Calabria) Cathetia (Abruzzi)	Nome Turin Naples, c. g. Naples, c. g. Venice Naples, c. g. Milan Florence Venice Milan Naples, c. g. Rome Palermo Rome Palermo Rome Rome	Rayusa (Sicilia). Rayenna (Emilia). Reggio Calabria (Calabria). Reggio Emilia (Emilia). Rieti (Lazio). Roma (Lazio). Roma (Lazio). Rovigo (Veneto). Salerno (Campania). Sassari (Sardegna). Savona (Liguria). Siena (Toscana). Siracusa (Sicilia). Sondric (Lombardia). Spezia (Liburia). Taranto [Ionio] (Puglie). Teramo (Abruzzi). Terni (Umbria). Torino [Turin] (Piemonte). Trapani (Sicilia). Trento (Venezia Tridentina). Treviso (Veneto). Trieste (Venezia Giulia). Udine [Friuii] (Veneto). Varcse (Lombardia). Venezia (Veneto).	Palermo Florence Naples, c. g. Florence Rome Rome Rome Venice Naples, c. g. Rome Genoa, c. g. Leghorn Palermo Milan Genoa, c. g. Rome Turin Palermo Venice Venice Trieste Trieste Milan Venice Turin
Como (Lombardia)	Milan	Verona (Veneto)	Venice Venice
Cosenza (Calabria) Cremona (Lombardia) Cuneo (Piemonte)	Milan Turin	Viterbo (Lazio) Zara (Venezia Giulia)	Rome Trieste
Enna [Castrogiovanni] (Si- cilia).	Palermo	JAMAICA	
Ferrara (Emilia) Firenze [Florence] (Tos-	Florence Florence	All of the island of Jamaica.	Kingston
cana). Fiume [Carnaro] (Venezia Giulia)	Trieste	JAPANESE EMPIRE (Japan)	
Foggia (Puglie) Forli (Emilia) Friuli, See Udine.	Naples, c. g. Florence	Prefecture (ken or fu)	
Frosinone (Lazio)	Rome Genoa, c. g. Trieste	Aichi Akita Aomori Chiba	Nagoya Tokyo, c. g. Tokyo, c. g. Tokyo, c. g.
Grosseto (Toscana) Imperia (Liguria) Ionio. See Taranto.	Leghorn Genoa, c. g.	Chishima. See Kurile Islands.	Kobe

Administrative division	Consular district	Administrative division	Consular district
JAPANESE EMPIRE—contd.		JAPANESE EMPIRE-contd.	
Prefecture (ken or fu)—Con		Japanese possessions and mandated territories—Con.	
Fukui Fukuoka Fukushima Gifu Gumma Hiroshima Hokkaido [Ydzo]	Osaka Nagasaki Tokyo, c. g. Nagoya Tokyo, c. g. Kobe Tokyo, c. g.	Pacific islands under Jap- anese mandate (the La- drones or Marianas Is- lands; the Marshall Islands; and the Caroline Islands, including Palau and Yap).	Tokyo, c. g.
Hyogo: The gun (county) of Kawabe, and that part of the gun (county) of		Pescadore Islands [Bokoto]. Taiwan [Formosa]	Taihoku Taihoku
Muko comprising the		LATVIA	
Muko comprising the city of Amagasaki, the mura (villages) of Osho,		All of Latvia	Riga
Muko, Ryogen, Koto, I			10180
Kawaragi, Naruo, the city of Nishinomiya,		LIBERIA	
and the mura (village) of Seido.	Osaka	All of Liberia	Monrovia, c. g.
All of the ken not included and in the Osaka con-	Kobe	LIECHTENSTEIN	
sular district. Ibaraki	Tokyo, c. g.	The Principality of Liech- tenstein.	Zürich, Switzerland c. g.
Ishikawa Iwate Karawa	Nagoya Tokyo, c. g. Kobe	AINAUHTLI	
Kagawa Kagoshima	Nagasaki	All of Lithuania	Kaunas
Kanagawa Kochi	Yokohama Kobe	LUXEMBURG	
Kumamoto Kurile Islands [Chishima] Kyoto (fu)	Nagasaki Tokyo, c. g. Osaka	The Grand Duchy of Luxemburg.	Luxemburg
Miyagi Miyazaki	Tokyo, $c. g.$	MADAGASCAR	
Miyazaki Miye	Nagasaki Nagoya	Madagascar (together with	Paris, France, c. g.
Nagano: The gun (county) of Kitasaku, the princi- pal cities of which are Karuisawa, I wa mur- ata, and Komoro. That portion of the ken not included in the	Tokyo, c. g. Nagoya	the Comoro Islands, the Glorious Islands, and the islands of Nossi Bé and Ste. Marie, and Kergue- len, Crozet, St. Paul, Amsterdam, and other island dependencies of Madagascar).	, ,
Tokyo consular district. Nagasaki	Nagasaki	MADEIRA	
Nara	Osaka	All of Madeira	Funchal
NiigataOita	Tokyo, c. g. Nagasaki	MEXICO	
Okayama	Kobe Nagasaki		
Okinawa Osaka (fu)	Osaka	State (or territory)	
Osaka (fu) Ryukyu Islands. See Oki- nawa and Kagoshima		Aguascalientes	San Luis Potosí, Sa Luis Potosí
prefectures.	NT 11	Baja California [Lower	Ensenada, Baja Cal fornia
Saga Saitama	Nagasaki Tokyo, c. g.	Californial (ter.): Territorio Norte (north of 28° N. lat.):	iornia
Shiga	Osaka	of 28° N. lat.):	
ShimaneShizuoka	Kobe Yokohama	That portion of the Ter-	
Fochigi Fokushima	Tokyo, c. g.	ritorio Norte lying south and west of a line drawn from the international bound-	
Tokushima	Kobe Tokyo, c. g.	international bounds	
Tokyo (fu) Tottori	Kobe	ary at Tijuana (in- cluded) to a point at	
l'oyama	Nagova	cluded) to a point at	
Wakayama Yamagata	Osaka Tokyo, c. g.	32° north and 116° west, and thence to a	
Yamaguehi	Nagasaki	point on the Gulf of California in latitude	
Yamanashi	Tokyo, c. g.	California in latitude	
Yezo. See Hokkaido.		30° north. That portion of the Ter-	Mexicali, Baja Cal
(Japanese possessions and mandated territories)		ritorio Norte not in- cluded in the Ensenada	fornia.
		consular district.	Guaymas, Sonora
Chosen [Korea]	Keijo (Seoul), c. g.	Territorio Sur (south of	Guaymas, Sonora

Administrative division	Consular district	Administrative division	Consular district
MEXICO-continued		MEXICO-continued	
State (or territory)—Contd.		State (or territory)—Contd.	
Campeche	Mérida, Yucatán	Hidalgo	México, D. F., c. g.
Chiapas Chihuahua: That portion of the State	Veracruz, Veracruz Ciudad Juárez, Chi-	Jalisco: That portion of the State lying south of 22° north	Guadalajara, Jalisco
lying north of a line drawn from the Sonora boundary eastwardly through Madera to Sauz (both towns ex-	huahua	latitude. That portion of the State lying north of 22° north latitude and west of the meridian of 103°30′	Durango, Durango
cluded); thence north- eastwardly, through, and including, San Antonio on the Rio Grande.	Chihuahua, Chihua-	west longitude. That portion of the State lying north of 22° north latitude and east of the meridian of 103°30'	San Luis Potosí, San Luis Potosí
That portion of the State not included in the	hua	longitude. Lower California, See	
Ciudad Juárez con- sular district. Coahuila: That portion of the State	Piedras Negras, Coa-	Baja California. México	México, D. F., c. g. México, D. F., c. g. México, D. F., c. g.
lying north and east of a line drawn on the parallel of 28° north	huila	Nayarit	Mazatlán, Sinaloa
latitude from the Chi-		lying south of a line drawn through Golon-	Monterrey, Nuevo León
latitude from the Chi- huahua boundary due east to La Fé (ex- cluded); thence south-		drinas (included) east- wardly through Parás	
eastwardly to Cuarto Cienegas (included); thence directly east through a point just south of Monclova to		(excluded), except the small portion north- west of a line connect-	
through a point just		ing the two southeast- ern points of the State	
the Nuevo León boundary.		of Coahuila. That portion of the State	Nuevo Laredo, Ta-
That portion of the State lying east and south of	Saltillo, Coahuila	lying north of a straight line drawn through Go-	maulipas
a line drawn from a point on the Zacatecas		londrinas (excluded) and Parás (included).	
boundary directly		That portion of the State lying northwest of a	Saltillo, Coahuila
westwardly to Parras (excluded); thence northwardly to Cuatro		line connecting the two southeastern points of the State of Coahuila.	
Cienegas (excluded):		the State of Coahuila. Oaxaca:	
thence eastwardly, through a point just south of Monclova, to		That portion of the State lying west and north of	México, D. F., c. g.
tne Nuevo Leon		a line drawn from the point where the Rio	
boundary. That portion of the State	Torreón, Coahuila	Trinidad first touches the Oaxaca-Veracrux	
not included in either the Piedras Negras or		wardly to Yautepec	;
the Saltillo consular district.		(excluded), and thence due west to the Guer-	
Colima Distrito Federal	Guadalajara, Jalisco México, D. F., c. g.	rero boundary (Ejutla excluded); the town of Tuxtepec near the	
Durango: That portion of the State	Durangó, Durango	v eracruz boundary also	
lying west of a line drawn from the inter- section of the meridian 103°30′ west longitude		being excluded.  That portion of the State not included in the México, D. F., consular	Veracruz, Veracruz
103°30' west longitude with the Durango- Zacatecas boundary, northwestwardly to Descubridora (ex-		district. Puebla Querétaro Quintana Roo	México, D. F., c. g. México, D. F., c. g. Mérida, Yucatán
due north to the Chi-		San Line Potosi:	San Luis Potosí, San
huahua boundary.  All of the State not included in the Durango consular district.	Torreón, Coahuila	That portion of the State lying west of a line drawn due north and south through, but ex- cluding, the town of	Luis Potosí
Guanajuato	San Luis Potosí, San Luis Potosí	cluding, the town of Tamazopo (approxi- mately in longitude 99°	
Guerrero	México, D. F., c. g.	25' west of Greenwich).	I

Administrative division	Consular district	Administrative division	Consular district
MEXICO-continued		MEXICO-continued	
State (or territory)—Con.		State (or territory)—Con.	
San Luis Potosi—Con. That portion of the State not included in the San Luis Potosí consular	Tampico, Tamaulipas	Zacateeas—Continued. the Tropic of Cancer, and west of a line due north and south through Mazapil (ex-	
district. SinaloaSonora:	Mazatlán, Sinaloa	eluded).	
That portion of the State lying south of 29° north	Guaymas, Sonora	MONACO	Nice Theory
latitude. That portion of the State lying west of 113° west longitude.	Mexicali, Baja Cali- fornia	The Principality of Monaco.	Nice, France
That portion of the State lying uorth of 29° north	Agua Prieta, Sonora	The zone of the French pro-	Casablanea
latitude and east of 110° west longitude, but excepting the territory immediately tributary to the Cananea-Naco Railway.		tectorate. The international zone of Tangier, and the Spanish protected territory in Morocco, as well as Ceuta and Melilla.	Tangier, c. g.
That portion of the State lying east of 113° west	Nogales, Sonora	NETHERLANDS	
longitude, north of 29° north latitude, and west of 110° west longi-		Province Drenthe	Amsterdam, c. g.
tude and including the territory immediately tributary to the Can- anea-Naco Railway. Tabasco.	Veraeruz, Veraeruz	Friesland Gelderland Groningen Limburg Noord-Brabant [North Bra-	Amsterdam, c. g. Amsterdam, c. g. Amsterdam, c. g. Rotterdam
Tamanlipas: That portion of the State	Nuevo Laredo, Ta-	bant]. Noord-Holland [North Hol-	Amsterdam, c. g.
lying north of a line drawn due east and west just to the north of Mier on the Rio Grande.	maulipas	land]. Overijssel Utreeht Zeeland Zuid-Holland [South Hol-	Amsterdam, c. g. Amsterdam, c. g. Rotterdam Rotterdam
That portion of the State lying north of 24° north latitude which is not included in the Nuevo	Matamoros, Tamauli- pas	land].  NETHERLANDS INDIES	
Laredo consular dis- triet.		Government, province, residency, etc.	
That portion of the State lying south of 24° north latitude	Tampico, Tamaulipas	Atjeh (govt.), in Sumatra_Bali Bangka and dependencies	Medan, Sumatra Surabaya, Java Batavia, Java, c. g.
Tlaxcala Veracruz: That portion of the State	México, D. F., c. g. Tampico, Tamaulipas	(res.). Benkoelen (res.), in Sum-	Batavia, Java, c. g.
lying north of the Río Cazones. That portion of the State	77	atra. Billiton	Batavia, Java, c. g.
lying south of the Río Cazones.	Veraeruz, Veraeruz	Borneo, Netherlands: Southern and Eastern Districts (res.).	Surabaya, Java
Yucatán	Mérida, Yucatán	Western District (res.) Celebes and dependencies	Batavia, Java, c. g. Surabaya, Java
That portion of the State lying west of 103°30′ west longitude.	Durango, Durango	(govt.). Djambi (res.), in Sumatra Flores	Batavia, Java, c. g. Surabaya, Java
That portion of the State lying south of 22° north	Guadalajara, Jaliseo	Java: Province of East Java	Surabaya, Java
latitude. That portion of the State lying east of a line drawn due north and south through Mazapil	Saltillo, Coahuila	(Residencies of Besocki, Bodjonegoro, Kediri, Madioen, Madoera (is- land), Malang, Probo- linggo, and Soerabaja	
(included). That portion of the State lying east of 103°30′ west longitude, south of the Tropic of Cancer,	San Luis Potosí, San Luis Potosí	[Surabaya]. Province of Middle Java: Residencies of Banjoe- mas, Kedoe, and Pekalongan.	Batavia, Java, c. g.
and north of 22° north latitude.	Morroson Cocherllo	Residencies of Djapara- Rembang and Sema-	Surabaya, Java
That portion of the State lying east of 103°30' west longitude, north of	Torreón, Coahuila	Province of West Java (Residencies Bantam,	Batavia, Java, c. g.

Administrative division	Consular district	Administrative division	Consular district
NETHERLANDS INDIES—con.		NORWAY—continued	
Government, province, residency, etc.—Continued		Province [Fylke]—Con.	
Java—Continued.  Batavia, Buitenzorg, Cheribon, and Prian-		Vestfold Telemark Troms	Oslo, c. g. Oslo, c. g. Oslo, c. g.
gan). Soerakarta (govt.) Jogjakarta (govt.) Lampongs, The (res.), in Sumatra.	Surabaya, Java Surabaya, Java Batavia, Java, c. g.	PACIFIC ISLANDS <sup>6</sup> Islands, colonies, etc.	
Lombok Manados (res.), in Celebes Moluceas, The New Guinea, Netherlands	Surabaya, Java Surabaya, Java Surabaya, Java Surabaya, Java	Alofi. See New Caledonia. Auekland Islands	Wellington, N. Z., c. g. Tahiti, Society Is-
matra.  Riouw and dependencies	Batavia, Java, c. g. Batavia, Java, c. g.	Bonin Islands Caroline Islands (in the	lands Tokyo, Japan, c. g. Tokyo, Japan, c. g.
Soemba Soembawa Sumatra East Coast (govt.) Sumatra's Westkust (res.) Tapanoeli (res.), in Suma-	Surabaya, Java Surabaya, Java Medan, Sumatra Medan, Sumatra.	Jap. mandate). Chatham Islands Colón Archipelago. See	Wellington, N. Z., c. g.
Timor and dependencies (res.).	Medan, Sumatra Surabaya, Java	Galápagos Islands. Cook Islands.  Easter Island [Isla de Pas-	Wellington, N. Z., c. g. Valparaíso, Chile
All other Netherlands is- lands east of Java and Borneo.	Surabaya, Java	eua] Ellice Islands Fiji Islands	Sydney, Australia, c. g. Wellington, N. Z., c. g.
NEW ZEALAND		Futuna. See New Cale- donia.	
Provincial district	Auckland	Galápagos Islands [Colón Archipelago]. Gambier Islands	Guayaquil, Ecuador. c. g. Tahiti, Society Is-
Canterbury Hawke's Bay Marlborough	Wellington, c. g. Wellington, c. g. Wellington, c. g.	Gilbert Islands	lands Sydney, Australia, c. g.
Nelson Otago, including Stewart Island. Taranaki	Wellington, c. g. Wellington, c. g. Wellington, c. g.	Huon Islands. See New Caledonia. Iles-sous-le-Vent. See Society Islands.	
Wellington Westland	Wellington, c. g. Wellington, c. g.	Juan Fernandez Islands Kermadec Islands	Valparaíso, Chile Wellington, N. Z., c. g.
NICARAGUA All of Nicaragua	Managua	Ladrones. See Marianas Islands. Leeward Islands [Hes-sous- le-Vent]. See Society Is-	
NORWAY		lands. Loyalty Islands. See New	
Province [Fylke]		Caledonia. Mareus Island [Minami	Tokyo, Japan, c. g.
Akershus	Oslo, c. g. Oslo, c. g.	Toro shima].  Marianas Islands [Ladrones] (in the Jap.	Tokyo, Japan, c. g.
Hedmark Hordaland Jan Mayen (island)	Oslo, c. g. Oslo, c. g. Bergen. Oslo, c. g.	mandate). Marquesas Islands  Marshall Islands (in the	Tahiti, Society Islands. Tokyo, Japan, c. g.
Møre: That portion of the Prov- ince known as Sunn-	Bergen	Jap. mandate). Minami Toro shima. See Marcus Island	
møre. That portion of the Province known as Nordmøre.	Oslo, c. g.	Nauru (mandated ter. of Great Britain, Australia, and New Zealand). New Caledonia (including	Sydney, Australia, c. g. Sydney, Australia,
Nordland Nord-Trøndelag Opland	Oslo, c. g. Oslo, c. g. Oslo, c. g.	Wallis Archipelago, Loy- alty Islands, Huon Is- lands, Futuna, and Alofi). New Guinea (Australian	c. g.
OstfoldRogaland	Oslo, c. g. Bergen	mandate).	Sydney, Australia,
Sogn og Fjordane Sør-Trøndelag Svalbard [Spitsbergen] Vest Agder	Bergen Oslo, c. g. Oslo, c. g.	New Hebrides	Sydney, Australia, c. g. Wellington, N. Z., c. g.

<sup>&</sup>lt;sup>6</sup> For convenience of reference and economy of space the islands, island groups, and colonies are entered under Pacific Islands rather than separately under the names of the several political entities concerned, except islands under the sovereignty of the United States (Hawaii, the Philippine Islands, Guam, American Samoa, etc.).

		<del></del>	
Administrative division	Consular district	Administrative division	Consular district
PACIFIC ISLANDS-con.		SIAM	
Islands colonies, etc.—Con.		(See Thailand)	
Norfolk Island	Sydney, Australia,	SPAIN	
Palau Islands (in the Jap.	c. g. Tokyo, Japan, c. g.	Prorin <b>c</b> e	
mandate). Papua [Australian ter.]	Sydney, Australia,	Alava Albacete	Bilbao Valencia
Pascua, Isla de. See Easter	c. g.	Alicante Almeria	Valencia Málaga
Island. Paumotu Archipelago. See		Avila Badajoz	Madrid Seville
Tuamotu Archipelago. Pitcairn Island	Wellington, N. Z.,	Balcares [Balcaric Islands] Barcelona	Barcelona, c. g.
	c. g.	Burgos	Bilbao
Samoa, Western (N. Z. mandate).	c. g.	Cáceres Cádiz	Seville
Society Islands (including Iles-sous-le-Vent).	Tahiti, Society Is- lands	Castellón Ciudad Real	Valencia Madrid
Solomon Islands (Br.)	Sydney, Australia, c. g.	Córdoba Coruña	Seville Vigo
Solomon Islands (in the	Sydney, Australia,	Cuenca	Madrid
New Guinea mandate). Stewart Island (N. Z.)	c. g. Wellington, N. Z.,	Gerona Granada	Barcelona, c. g. Málaga
Tokelau. See Union Is-	c. g.	Guadalajara Guipúzcoa	Madrid Bilbao
lands. Tuamotu Archipelago	Tahiti, Society Is-	Huelva Huesca	Seville Barcelona, c. g.
[Paumoto Archipelago]	lands	Jaén	Málaga
Tubuai Archipelago. See Austral Islands.		Las Palmas. See under Canary Islands, p. 44.	
Union Islands [Tokelan]	Wellington, N. Z., c. q.	León   Lérida	Vigo Barcelona, c. g.
Wallis Archipelago. See New Caledonia.	,	LogroñoLugo	Bilbao Vigo
Yap Island (in the Jap.	Tokyo, Japan, $c. g.$	Madrid	Madrid
mandate).		Málaga Murcia	Málaga Valencia
PALESTINE		Navarra Orense	Bilbao Vigo
All of Palestine	Jerusalem, c. g.	Oviedo Palencia	Vigo Bilbao
PARAGUAY		Palmas, Las. See Las Palmas under Canary	Billion
All of Paraguay	Ascunción	Islands, p. 44. Pontevedra	Vigo
POLAND		Salamanca Santa Cruz de Tenerife.	Madrid
All of Poland	Warsaw, c. g.	See under Canary Islands, p. 44.	
PORTUGAL		Santander Segovia	Bilbao Madrid
Administrative districts		Sevilla	Seville
Aveiro	Oporto	Soria Tarragona	Madrid Barcelona, c. g.
Beja Braga	Lisbon, c. g. Oporto	Teruel	Valencia Madrid
Bragança Castelo Branco	Oporto	Valencia Valladolid Bizcaya [Biscay].	Valencia Madrid
Çoimbra Evora	Oporto	Bizcaya [Biscay]	Bilbao
Faro (Algarve)	Lisbon, c. g.	Zamora Zaragoza	Vigo Barcelona, c. g.
GuardaLeiria	Oporto Lisbon, c. g.	SWEDEN	•
Leiria Lisboa (Lisbon) Portalegre	Lisbon, c. g. Lisbon, c. g.	Province [Lān]	
Porto	Oporto	Älvsborg	Cătabora
Santarém Setubal	Lisbon, c. g. Lisbon, c. g.	Blekinge	Göteborg Göteborg
Viana do Castelo Vila Real	Oporto Oporto	Gävleborg Göteborg och Bohus	Stockholm, c. g. Göteborg
Vizeu	Oporto	Gotland Halland	Stockholm, c. g. Göteborg
RUMANIA		Jämtland	Stockholm, c. g.
All of Rumania	Bucharest	Jönköping. Kalmar.	Göteborg Göteborg
SAN MARINO		Kopparberg Kristianstad	Stockholm, c. g. Göteborg
	T11 74 1	Kronoberg	Göteborg
The Republic of San	Florence, Italy	Malmöhus	Göteborg

Administrative division	Consular district	Administrative division	Consular district
sweden-continued		TURKEY—continued	
Province [Län]—Continued		Vilayet-Continued	
Örebro (except the town of	Stockholm, c. g.	Bolu	Istanbul, c. g.
Hällefors). Hällefors	Göteborg	Bozyuk. See Yozgat.	Izmir
Östergötland Skaraborg	Stockholm, c. g. Göteborg	Bursa [Brusa]. Cankiri [Chankiri, Kangri].	Istanbul, c. g. Istanbul, c. g.
Södermanland Stockholm	Stockholm, c. g. Stockholm, c. g.	Canakkale [Dardanelles] which includes the 4	Istanbul, c. g.
Uppsala	Stockholm, c. g. Göteborg	islands Imbros and Tene-	
Värmland Västerbotten	Stockholm, c. q.	Cebelibereket [Jebel-Berc-	Izmir
Västernorrland Västmanland	Stockholm, c. g. Stockholm, c. g.	ket]. Constantinople. See Istan-	
SWITZERLAND		Corum [Chorum] Dardanelles. See Canak-	Istanbul, c. g.
Canton		kale.	
Aargau [Argovie]	Zürieh, c. g.	Denizli Diyarbekir [Diarbekr] 7	Izmir Istanbul, c. g.
Appenzell, comprising Outer Rhodes and Inner	Zürich, c. g.	Elâziz [Mamuret-ul-Aziz	Istanbul, c. g. Istanbul, c. g.
Rhodes. Basel, comprising Basel-	Basel	Harput]. <sup>7</sup> Erthogrul. Sec Bilecik. Erzinean [Erzinjan] <sup>7</sup>	about out, c. g.
land [Båle-Campagne] and Baselstadt [Båle-		Erzinean [Erzinjan] 7	Istanbul, c. g.
Villel.	Bern	Erzurum [Erzerum] <sup>7</sup> Eskişebir [Eski-Shehir]	Istanbul, c. g. Istanbul, c. g.
Bern [Berne] Fribourg [Freiburg] Geneva [Genèv, Genf]	Bern	Gazi Antep [Ghazi-Aintab] Giresun [Kerasund]	Izmir Istanbul, c. g.
G larus [Graris]	Geneva Zürieh, c. g.	Gümüşane [Gumush- Haneh].	Istanhul, c. g.
Luzern [Lucernel	Zurich, c. g. Zürich, c. g.	Hakâri [Hakiari] Hamid-Abad. See Isparta.	Izmir
Neuchâtel [Neuenburg] St. Gallen [St. Gall] Schaffhausen [Schaffhouse]	Bern Zürich, c. g.	Harput. See Elâziz.   Içel [Itehil]	Izmir
SCHWVZ	Zürieh, c. g. Zürieh, c. g.	Isparta [Sparta, Hamid- Abad].	Izmir
Solothurn [Soleure] Ticino [Tessin]	Basel Zürich, c. g.	Istanbul [Constantinople] Izmid. See Kocaeli.	Istanbul, c. g.
Thurgau [Thurgovie]	Zürieh, c. g. Zürieh, c. g.	Izmir [Smyrna]	Izmir
Unterwalden, comprising Nidwalden [Unterwald-le- Bas] and Oberwalden	zarien, c. y.	Jebel-Bereket. See Cebeli-	
[Unterwald-le-Haut].	Which .	bereket. Kangri. See Çankiri.	
Vaud [Waadt] Valais [Wallis]	Zürich, c. g. Geneva	Kara-Hissar-Sharki. See Sebin Karahisar.	
Zug [Zong]	Geneva Zürich, c. g.	Karassi. See Balikesir. Kars <sup>7</sup>	Istanbul, c. g.
Zurien [Zurien]	Zürieh, c. g.	Kastamonu [Kastamuni] Kayseri [Kaisaria]	Istanbul, c. g. Istanbul, c. g.
SYRIA		Kerasund. See Giresun. Kirklareli [Kirk-Kilissa]	Istanbul, c. g.
All of Syria and the Leba-	Beirut, c. g.	Kirşebir [Kir-Shebir] Kocaeli [Koja-Ili, Izmid] Konya [Konia]	Istanbul, c. g. Istanbul, c. g.
THAILAND (SIAM)		Konya [Konia] Kütahya [Kutahia]	Izmir Izmir
All of Thailand	Bangkok, c. g.	Lazistan. See Rize. Malatya [Malatia]	Izmir
TURKEY	, ,	Mamuret-ul-Aziz. Sce Elâziz.	
Vilauet		Manisa [Magnesia, Saru- han].	Izmir
Adrianople. See Edirne.	Izmir	Maras [Marash]	Izmir Izmir
Afyon karabisar [Afion- Kara-Hissar].	Izmir	Mersin [Mersina]	Izmir
	Lamir	Mardin Mersin [Mersina] Mugla [Mentesheh] Mus [Mush, Bitlis] <sup>7</sup> Nigda [Niedeh]	Izmir Istanbul, c. g.
Amasya [Amasia]	Izmir Istanbul, c. g.		Ismir Istanbul, c. g.
Alisaray [Ak-Serai] Aksaray [Ak-Serai] Amasya [Amasia] Ankara [Angora] Antalya [Adala, Tekeh]	Istanbul, c. g. Izmi <b>r</b>	Rodosto. See Tekirdağ.	Istanbul, c. g.
Artvin Aydin [Aidin]	Istanbul, c. g. Izmir	Ordu. Rize [Rizeh, Lazistan] Rodosto. See Tekirdağ. Samsun [Janik] Saruhan. See Manisa. Sebin. Karahisar [Shabin.	Istanbul, c. g.
Aydin [Aidin] Balikesir [Karassi] Bayazit [Bayezid] 7	Istanbul, c. g. Istanbul, c. g.	Kara-Hissar, Kara-His-	Istanbul, c. g.
Bilecik [Erthogrul]	Istanbul, c. g.	sar-Sharki]. Siirt [Saerd]	Izmir
7 The fellowing wilesets and		The best of the the many to	

<sup>&</sup>lt;sup>7</sup> The following vilayets comprise a zone east of the Euphrates which the Turkish Government excludes from the jurisdiction of all foreign consulates in Turkey: Bayazit, Diyarbekir, Elâziz, Erzincan, Erzurum, Kars, Muş, and Van.

Administrative division	Consular district	Administrative division	Consular district
			- Cara district
TURKEY-CONTINUED		WEST INDIES 8	
Vilayet—Continued		Island	
SinopSivas	Istanbul, c. g. Istanbul, c. g.	Anegada (Br. Virgin Is-	Barbados, B. W. I.
Smyrna. See Izmir. Sparta. See Isparta. Tekeh. Sce Antalya.		Anegada (Br. Virgin Islands, B. W. I.). Anguilla (Leeward Islands,	Barbados, B. W. I.
Tekirdag [Rodosto]	Istanbul, c. g.	B. W. I.). Antigua (Leeward Islands,	Barbados, B. W. I.
TokatTrabzon [Trebizond]	Istanbul, c. g. Istanbul, c. g. Izmir	B. W. I.). Aruba (Curação) Bahama Islands	Curação, W. I. Nassau, N. P., Ba hama Islands.
Urfa Van <sup>7</sup>	Istanbul, c. g.	1	hama Islands.
Yozgat [Yozgad, Bozyuk]Zonguldak [Zunguldak]	Istanbul, c. g. Istanbul, c. g.	Barbados (B. W. I) Barbuda (Leeward Islands, B. W. I.).	Barbados, B. W. I. Barbados, B. W. I.
UNION OF SOUTH AFRICA		Bequia (Windward Islands, B. W. I.).	Barbados, B. W. I.
Cape of Good Hope: That portion of the Prov- ince lying west of 25° east longitude.	Capetown, c. g.	Bonaire (Curação) Caicos Islands, Jamaica Cannouan (Windward Islands, B. W. I.).	Curação, W. I. Kingston, Jamaica Barbados, B. W. I.
That portion of the Prov- ince lying east of 25°	Port Elizabeth	Carriacou (Windward Islands, B. W. I.).	Barbados, B. W. I.
east longitude. Natal	Durban	Cayman Islands (B. W. I.). Cuba.	Kingston, Jamaica
Orange Free State Transvaal	Johannesburg, Trans- vaal, c. g. Johannesburg, c. g.	Curação (Curação) Désirade (Fr. W. I.)	Curação, W. I. Port-of-Spain, Trini dad, B. W. I.
URUGUAY	onamesearg, or y.	Dominica (Leeward Islands, B. W. I.).	Barbados, B. W. I.
All of Uruguay	Montevideo, c. g.		Port-of-Spain, Trini
VENEZUELA		Grenada (Windward Islands, B. W. I. Grenadines, The (Windward Islands, B. W. I.) Guadaloune (Fr. W. I.)	dad, B. W. I. Barbados, B. W. I.
State (or territory)		Guadeloupe (Fr. W. I.)	Port-of-Spain, Trini dad, B. W. I.
Amazonas (ter.)	Caracas	Haiti. Hispaniola. See Domini-	ada, 2
Anzoátegui Apure	Caracas	can Republie, and Haiti.	
AraguaBarinas	Caracas	Jamaica	Kingston, Jamaica Barbados, B. W. I.
Barinas Bolívar	Caracas Caracas	Jost van Dykes (Br. Virgin Islands, B. W. I.).	Barbados, B. W. I.
Carabobo	Caraeas	Les Saintes (Fr. W. I.)	Port-of-Spain, Trini
Cojedes	Caracas		Port-of-Spain, Trini
Delta Amacuro (ter.) Distrito Federal:	Caracas	Marie Galante (Fr. W. I.)	Port-of-Spain, Trini dad, B. W. I.
All of the Department of	Caracas	Martinique (Fr. W. I.)	Port-of-Spain, Trinidad, B. W. I.
Libertador. All of the Department of	La Guaira, v. c.	Montserrat (Leeward Is-	dad, B. W. I. Barbados, B. W. I.
Vargas. Faleón:	35	Montserrat (Leeward Islands, B. W. I.).  Mustique (Windward Islands, B. W. I.).	Barbados, B. W. I.
That portion of the State lying west of a line	Maracaibo	Nevis (Leeward Islands,	Barbados, B. W. I.
running north and south through, and in- cluding, the town of		Nevis (Leeward Islands, B. W. I.). Peter (Br. Virgin Islands, B. W. I.).	Barbados, B. W. I.
La Vela. That portion of the State	Caracas	B, W. I.).	Barbados, B. W. I.
not included in the Maracaibo consular district.		Saba (Curação) St. Bartholomew (Fr. W.	Curaçao, W. I. Port-of-Spain, Trini dad, B. W. I.
Guárico	Caracas Caracas	St. Christopher [St. Kitts] (Leeward Islands, B. W.	Barbados, B. W. I.
Mérida Miranda Monagas	Maracaibo Caracas Caracas	I.). St. Eustatius (Curação) St. Lucia (Windward Islands, B. W. I.).	Curação, W. I. Barbados, B. W. I.
Nueva Esparta	Caracas Caracas	St. Martin (Neth. part. a	Curação, W. I.
Sucre Táchira	Caracas Maracaibo	portion of the possession Curacao).	, ,
Yaracuv	Maracaibo Caracas	St. Vincent (Windward Islands, B. W. I.).	Barbados, B. W. I.
Zamora. See Barinas. Zulia		Tobago (B. W. I.)	Port-of-Spain, Trini dad, B. W. I.
		() () ()	

<sup>8</sup> For convenience of reference and economy of space the islands, island groups, and colonies are entered under the West Indies rather than separately under the names of the several political entities concerned, except the islands under the sovereignty of the United States, namely, Puerto Rico and the Virgin Islands of the United States.

Administrative division	Consular district	Administrative division	Consular district
west indies—continued  Island—Continued		TEGOSLAVIA—continued  Province [Banovina]—Con.	
Tortola (Br. Virgin Islands, B. W. I.). Turks Islands, Jamaica Trinidad (B. W. I.) Virgin Islands, British (B. W. I.).	Barbados, B. W. I. Kingston, Jama a Port-of-Spain, (rini- dad, B. W. I. Barbados, B. V. I.	Dunavska [Danube ] Moravska . Primorska [Sea Coast] . Savska . Vardarska . Vrbaska . Zetska:	Belgrade Belgrade Zagreb Zagreb Belgrade Zagreb
Virgin Gorda (Br. Virgin Islands B. W. I.). YUGOSLAVIA <sup>9</sup> Province [Banorina]	Barbados, B. W. I.	The eastern portion only, as included in the Okružni Inspektorati of Bijelo Polje and Mitrovica.  The western portion only, as included in the Okružnia.	Belgrade Zagreb
Dravska Drinska	Zagreb Belgrade	ružni Inspektorati of Dubrovnik and Cetinje.	

<sup>&</sup>lt;sup>9</sup> See Yugoslavia, p. 41, for allocation of former political divisions: Serbia, Montenegro, Croatia-Slavonia, Slovenia, Bosnia, etc.

## Chapter XLIX.—CONSULS' SERVICES TO VESSELS

#### Protests.

R. S. 1707 (22 U. S. C. 73). Consuls and vice consuls shall have the right, in the ports or places to which they are severally appointed, of receiving the protests or declarations which captains, masters, crews, passengers, or merchants, who are citizens of the United States, may respectively choose to make there; and also such as any foreigner may choose to make before them relative to the personal interest of any citizen of the United States. Copies of such acts duly authenticated by consuls or vice consuls, under the seal of their consulates, respectively, shall be received in evidence equally with their originals in all courts in the United States.

## Lists and Returns of Seamen and Vessels, Etc.

R. S. 1708 (22 U. S. C. 74). Every consular officer shall keep a detailed list of all seamen and mariners shipped and discharged by him, specifying their names and the names of the vessels on which they are shipped and from which they are discharged, and the payments, if any, made on account of each so discharged; also of the number of the vessels arrived and departed, the amounts of their registered tonnage, and the number of their seamen and mariners, and of those who are protected, and whether citizens of the United States or not, and as nearly as possible the nature and value of their cargoes, and where produced, and shall make returns of the same, with their accounts and other returns, to the Secretary of Commerce. (Feb. 14, 1903, sec. 10.)

# Retention of Papers of American Vessels Until Payment of Demands and Wages.

R. S. 1718 (22 U. S. C. 88). All consular officers are authorized and required to retain in their possession all the papers of such vessels [vessels of the United States], which shall be deposited with them as directed by the law, till payments shall be made of all demands and wages on account of such vessels.

# Payment of Postage by Consuls.

R. S. 4014 (39 U. S. C. 670). The Postmaster General or the Secretary of State is hereby authorized to empower the consuls of the United States to pay the foreign postage on such letters destined for the United States as may be detained at the ports of foreign countries for the nonpayment of postage, which postage shall be by the consul marked as paid by him, and the amount thereof shall be collected in the United States as other postage, on the delivery of the letters, and repaid to said consul, or credited on his account at the State Department.

## Fees for Service to American Vessels or Seamen Prohibited.

June 26, 1884, sec. 12 (22 U. S. C. 89). No fees named in the tariff of consular fees prescribed by order of the President shall be charged or collected by consular officers for the official services to

American vessels and seamen. Consular officers shall furnish the master of every such vessel with an itemized statement of such services performed on account of said vessel, with the fee so prescribed for each service, and make a detailed report to the Secretary of the Treasury of such services and fees, under such regulations as the Secretary of State may prescribe; and the Secretary of the Treasury shall allow consular officers who are paid in whole or in part by fees such compensation for said services as they would have received prior to the passage of this act: *Provided*. That such services in the opinion of the Secretary of the Treasury have been necessarily rendered.

## Profits From Dealings With Discharged Seamen; Prohibition.

R. S. 1719 (22 U. S. C. 90). No consular officer, nor any person under any consular officer shall make any charge or receive, directly or indirectly, any compensation, by way of commission or otherwise, for receiving or disbursing the wages or extra wages to which any seaman or mariner is entitled who is discharged in any foreign country, or for any money advanced to any such seaman or mariner who seeks relief from any consular officer, be interested, directly or indirectly, in any profit derived from clothing, boarding, or otherwise supplying or sending home any such seaman or mariner. Such prohibition as to profit, however, shall not be construed to relieve or prevent any such officer who is the owner of or otherwise interested in any vessel of the United States, from transporting in such vessel any such seaman or mariner, or from receiving or being interested in such reasonable allowance as may be made for such transportation by law.

## Moneys Received in Trust by Secretary of State.

Feb. 27, 1896 (31 U. S. C. 547). All moneys received by the Secretary of State from foreign Governments and other sources, in trust for citizens of the United States or others, shall be deposited and covered into the Treasury.

The Secretary of State shall determine the amounts due claimants, respectively, from each of such trust funds, and certify the same to the Secretary of the Treasury, who shall, upon the presentation of the certificates of the Secretary of State, pay the amounts so found

to be due.

Each of the trust funds covered into the Treasury as aforesaid is hereby appropriated for the payment to the ascertained beneficiaries

thereof of the certificates herein provided for.

R. S. 1722 (23 U. S. C. 91). Consuls, vice consuls, and consular agents in the Dominion of Canada, in the collection of official fees shall receive foreign moneys at the rate given in the Treasury schedule of the value of foreign coins. (Apr. 5, 1906, sec. 5.)

# Naval Officer Acting as Consul.

R. S. 1433 (34 U. S. C. 217). The commanding officer of any fleet, squadron, or vessel acting singly, when upon the high seas or in any foreign port where there is no resident consul of the United States, shall be authorized to exercise all the powers of a consul in relation to mariners of the United States.

## Chapter L.—MERCHANT MARINE ACT, 1936, AS AMENDED

Fostering Development and Maintenance of Merchant Marine.

June 29, 1936, sec. 101 (46 U.S. C. 1101).—It is necessary for the national defense and development of its foreign and domestic commerce that the United States shall have a merchant marine (a) sufficient to carry its domestic water-borne commerce and a substantial portion of the water-borne export and import foreign commerce of the United States and to provide shipping service on all routes essential for maintaining the flow of such domestic and foreign water-borne commerce at all times, (b) capable of serving as a naval and military auxiliary in time of war or national emergency, (c) owned and operated under the United States flag by citizens of the United States, insofar as may be practicable, and (d) composed of the best-equipped, safest, and most suitable types of vessels, constructed in the United States and manned with a trained and efficient citizen personnel. It is hereby declared to be the policy of the United States to foster the development and encourage the maintenance of such a merchant marine.

## United States Maritime Commission; Officers and Employees.

June 29, 1936, sec. 201 (46 U. S. C. 1111). (a) An agency is hereby created, to be known as the United States Maritime Commission (hereinafter referred to as the Commission). The Commission shall be composed of five persons, in this title referred to as members, to be appointed by the President by and with the advice and consent of the Senate. The President shall designate the member to act as chairman of the Commission, and the Commission may elect one of its members as vice chairman. The members of the Commission shall be appointed as soon as practicable after the enactment of this Act and shall continue in office as designated by the President at the time of nomination, for terms of two, three, four, five, and six years, respectively, from the date upon which they qualify and take office; but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds. The members shall be appointed with due regard to their special fitness for the efficient discharge of the duties imposed upon them by this Act. Not more than three of the members shall be appointed from the same political party. A vacancy in the Commission shall be filled in the same manner as an original appointment. Any member may be removed by the President for neglect of duty or malfeasance in office. Vacancies in the Commission, so long as there shall be three members in office, shall not impair the power of the Commission to execute its functions, and three of the members in office shall constitute a quorum for the transaction of the business of the Commission. Each member shall receive a salary at the rate of \$12,000 per annum.

(b) No person shall hold office as a member of the Commission who, within three years prior to his appointment shall have been employed by, or have had any pecuniary interest in, any carrier by water or substantial pecuniary interest in any other person who derives a substantial portion of his revenues from any business associated with ships or shipping. Each member shall devote his full time to the duties of his office. It shall be unlawful for any member, officer, or employee of the Commission to be in the employ of any other person, firm, or corporation, or to have any pecuniary interest in, or hold any official relationship with, any carrier by water, shipbuilder, contractor, or other person, firm, association, or corporation with whom the Commission may have business relations.

(c) The Commission shall, through its secretary, keep a true record of all its meetings and the yea-and-nay votes taken therein, on every action, order, contract, or financial transaction approved or disapproved by the Commission. It shall have an official seal which shall be judicially noticed, and shall adopt rules and regulations in regard to

its procedure and the conduct of its business.

(d) The Commission may make such expenditures as are necessary in the performance of its functions from funds made available to it by this Act or hereafter appropriated, which further appropriations

are hereby authorized.

(e) Without regard to the civil-service laws or the Classification Act of 1923, as amended, the Commission may appoint and prescribe the duties and fix the salaries of a secretary, a director for each of not to exceed five divisions, a general counsel, a clerk to each member of the Commission, and not more than three assistants, a clerk to the general counsel, not more than a total of twenty naval architects or marine engineers, twenty special experts, twenty-two examiners, twelve attorneys, and two inspectors for each vessel at each shippard at which vessels are being constructed by it or under its supervision. No employee so appointed may receive an annual salary at a rate in excess of that provided under the Classification Act of 1923, as The Commission may, subject to the provisions of the civil-service laws and the Classification Act of 1923, as amended, appoint such other officers, engineers, inspectors, attorneys, examiners, and other employees as are necessary in the execution of its functions: Provided, That trained and satisfactory present employees of the United States Shipping Board Bureau or United States Shipping Board Merchant Fleet Corporation shall be eligible for transfer to the Commission, and if after the expiration of a probationary period of six months from the date of employment the Commission shall certify to the United States Civil Service Commission that the services of any employee so transferred are satisfactory, the employee shall thereupon acquire the same status as though certified after examination by the Civil Service Commission. The Commission, under such rules and regulations as it may prescribe, may detail annually not to exceed five members of the personnel of the Commission for engineering, technical, or other scientific education and training at government expense at institutions for scientific education and research, to enable such persons to acquire advanced and specialized knowledge or training of particular advantage to the Commission in carrying out its functions under this Act.

(f) Each member, any employee of the Commission, and any person detailed to it from any other agency of the Government shall receive necessary traveling and subsistence expenses, or per diem allowance in lieu thereof, within the limitations prescribed by law, while away from his official station upon official business of the Commission. Whenever any officer (not exceeding five in number at any time) of the Army, Navy, Marine Corps, or Coast Guard is detailed to the Commission, he shall receive from the Commission, for the period during which he is so detailed, such compensation as added to his pay and allowances as an officer in such service will make his aggregate compensation equal to the pay and allowances he would receive if he were the incumbent of an office or position in such service (or in the corresponding executive department), which, in the opinion of the Commission, involves the performance of work similar in importance, difficulty, and responsibility to that performed by him while detailed to the Commission. Expenditures by the Commission shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Commission or a designated employee thereof.

(g) This section shall take effect immediately upon approval of

this Act.

### Powers and Functions of Former Shipping Board Transferred

June 29, 1936, sec. 202 (46 U.S. C. 1112). All money, notes, bonds, mortgages, and securities of every kind, contracts and contract rights, lands, vessels, docks, wharves, piers, and property and interests of every kind, owned by the United States, and now controlled by the Department of Commerce as the successor to the powers and functions of the former United States Shipping Board, by virtue of the President's Executive order of June 10, 1933, are hereby transferred to the Commission. Notwithstanding any other provision of law, the Commission may, in accordance with good business methods and on such terms and conditions as it determines to effectuate the policy of this Act, operate or lease any lands, docks, wharves, piers, or real property under its control, and all money heretofore or hereafter received from such operation or lease shall be available for expenditure by the Commission as provided in this Act. The Commission may, upon such terms and conditions as it may prescribe in accordance with sound business practice, make such extensions and accept such renewals of the notes and other evidences of indebtedness hereby transferred, and of the mortgages and other contracts securing the same, as it may deem necessary to carry out the objects of this act. (Aug. 26, 1937, sec. 1; June 23, 1938, sec. 1.)

## MERCHANT FLEET CORPORATION DISSOLVED

June 29, 1936, sec. 203 (46 U.S.C. 1113). (a) The United States Shipping Board Merchant Fleet Corporation shall cease to exist and shall stand dissolved. All the records, books, papers, and corporate property of said dissolved corporation shall be taken over by the Commission. All existing contractual obligations of the dissolved corporation shall be assumed by the United States. Any suit against the dissolved corporation pending in any court of the United States shall be defended by the Commission upon behalf of the United

States, under the supervision of the Attorney General, and any judgment obtained against the dissolved corporation in any such pending suit shall be reported to Congress in the manner provided in section 226, title 31, United States Code, for reporting judgments against

the United States in the Court of Claims.

(b) All payments made by the United States Shipping Board (Emergency) Merchant Fleet Corporation to its employees in settlement of its liability arising out of contracts of employment between said United States Shipping Board (Emergency) Merchant Fleet Corporation and its employees on account of leave earned in the years 1918–1919 are hereby approved and confirmed. All persons to whom such payments were made are hereby released from any liability to refund or repay to the Government such payments, and no deductions on account of any such payments shall be made from any amounts otherwise due or payable out of Government funds to such persons. (May 18, 1938.)

### Transfer of Powers; Rules and Orders

June 29, 1936, sec. 204 (46 U. S. C. 1114). (a) All the functions, powers, and duties vested in the former United States Shipping Board by the Shipping Act, 1916, the Merchant Marine Act, 1920, the Merchant Marine Act, 1928, the Intercoastal Shipping Act, 1933, and amendments to those Acts, and now vested in the Department of Commerce pursuant to section 12 of the President's Executive order of June 10, 1933, are hereby transferred to the United States Maritime Commission: Provided, however, That after the date of the passage of this Act no further construction loans shall be made under the provisions of section 11 of the Merchant Marine Act, 1920, as amended.

(b) The Commission is hereby authorized to adopt all necessary rules and regulations to carry out the powers, duties, and functions

vested in it by this Act.

(c) The orders issued by the United States Maritime Commission in the exercise of the powers transferred to it by this title shall be enforced in the same manner as heretofore provided by law for enforcement of the orders issued by the former United States Shipping Board, and violation of such orders shall subject the person or corporation guilty of such violation to the same penalties or punishment as heretofore provided for violation of the orders of said Board. (June 23, 1938, sec. 41.)

## Equality of Rates as Between Ports

June 29, 1936, sec. 205 (46 U. S. C. 1115). Without limiting the power and authority otherwise vested in the Commission, it shall be unlawful for any common carrier by water, either directly or indirectly, through the medium of an agreement, conference, association, understanding, or otherwise, to prevent or attempt to prevent any other such carrier from serving any port designed for the accommodation of ocean-going vessels located on any improvement project authorized by the Congress or through it by any other agency of the Federal Government, lying within the continental limits of the

United States, at the same rates which it charges at the nearest port already regularly served by it.

#### Construction Fund Transferred

June 29, 1936, sec. 206 (46 U. S. C. 1116). All sums of money now in the construction loan fund created by section 11 of the Merchant Marine Act, 1920, as amended, together with the proceeds of all debts, accounts, choses in action, and the proceeds of all notes, mortgages, and other evidences of indebtedness, hereby transferred to the Commission, and all of the proceeds of sales of ships and surplus property heretofore or hereafter made, including proceeds of notes or other evidences of debt taken therefor and the interest thereon, and, notwithstanding any other provision of law, all money representing amounts of unclaimed wages, salvage awards and miscellaneous unclaimed items carried as liabilities on the books of the United States Shipping Board Merchant Fleet Corporation and all money heretofore or hereafter received from the operation or leasing of lands, docks, wharves, piers, or real property shall be deposited in the Treasury of the United States and there maintained as a revolving fund, herein designated as the construction fund, and shall be available for expenditure by the Commission in carrying out the provisions of this Act. All moneys received by the Commission under the provisions of this Act shall be deposited in its construction fund, and all disbursements made by the Commission under authority of this Act shall be paid out of said fund, and, notwithstanding any other provision of law, all disbursements applicable to the money referred to in this section may be made by the Commission out of said Further appropriations by Congress to replenish said fund are hereby authorized. (Aug. 26, 1937, sec. 2.)

#### Contractual Power of Commission

June 29, 1936, sec. 207 (46 U. S. C. 1117). The Commission may enter into such contracts, upon behalf of the United States, and may make such disbursements as may, in its discretion, be necessary to carry on the activities authorized by this act, or to protect, preserve, or improve the collateral held by the Commission to secure indebtedness, in the same manner that a private corporation may contract within the scope of the authority conferred by its charter. All the Commission's financial transactions shall be audited in the General Accounting Office according to approved commercial practice as provided in the act of March 20, 1922 (42 Stat. 444): Provided, That it shall be recognized that, because of the business activities authorized by this Act, the accounting officers shall allow credit for all expenditures shown to be necessary because of the nature of such authorized activities, notwithstanding any existing statutory provision to the contrary. The Comptroller General shall report annually or oftener to Congress any departure by the Commission from the provisions of this Act. (June 23, 1938, sec. 2.)

#### Reports to Congress

June 29, 1936, sec. 208 (46 U. S. C. 1118). The Commission shall, at the beginning of each regular session, make a report to Congress,

which shall include the results of its investigations, a summary of its transactions, its recommendations for legislation, a statement of all receipts under this Act, and the purposes for which all expenditures were made.

#### Appropriations and Unexpended Balances Transferred

June 29, 1936, sec. 209 (46 U. S. C. 1119). (a) There are hereby authorized to be appropriated such sums as are necessary to carry

out the provisions of this Act.

(b) All appropriations and unexpended balances of appropriations available for expenditure by the United States Shipping Board Bureau and United States Shipping Board Merchant Fleet Corporation which would otherwise be applicable to functions transferred to the Commission by this Act, including the fund appropriated to enable the United States Shipping Board Merchant Fleet Corporation to operate ships or lines of ships which have been or may be taken back from purchasers by reason of competition or other methods employed by foreign shipowners or operators as appropriated by the Independent Offices Act, 1928, approved February 11, 1927 (44 Stat. 1082), and reappropriated by the Department of Commerce Appropriation Acts, shall be available for expenditure by or at the direction of the Commission for any and all objects of expenditure authorized by this Act in the discretion of the Commission, without regard to the requirement of apportionment under the Antideficiency Act of February 27, 1906 (U. S. C., title 31, sec. 665), and, notwithstanding any other provision of law, without deduction, allocation, or segregation in any manner for amounts of unclaimed wages, salvage awards, and miscellaneous unclaimed items carried as liabilities on the books of the United States Shipping Board Merchant Fleet Corporation.

(c) After the transfer, under section 404 of this Act, to the commission of the powers and duties of the Postmaster General with respect to existing ocean-mail contracts entered into pursuant to title IV, Merchant Marine Act, 1928 (U. S. C., Supp. VII, title 46, sec. 891e to 891r, inclusive), all appropriations and unexpended balances of appropriations available for expenditure by the Post Office Department for the transportation of foreign mails under contracts authorized by the Merchant Marine Act, 1928, less any amount necessary to be paid out by the Post Office Department, shall be available for any and all objects of expenditure authorized by this Act, by or at the direction of the Commission, without regard to the requirement of apportionment under the Antideficiency Act of February 27, 1906.

(d) Funds made available under the provisions of subsection (b) of this section shall be available for expenditures authorized by the Commission under the provisions of section 201 of this Act as soon as a majority of the members of the Commission shall have taken the oath of office, notwithstanding the provisions of section 907 of

this Act. (Aug. 26, 1937, sec. 3.)

Survey of Existing Merchant Marine for Creation of Adequate American Owned Fleet

June 29, 1936, sec. 210 (46 U.S. C. 1120). It shall be the duty of the Commission to make a survey of the American merchant

marine, as it now exists, to determine what additions and replacements are required to carry forward the national policy declared in section 101 of this Act, and the Commission is directed to study, perfect, and adopt a long-range program for replacements and additions to the American merchant marine so that as soon as practicable

the following objective may be accomplished:

First, the creation of an adequate and well-balanced merchant fleet, including vessels of all types, to provide shipping service on all routes essential for maintaining the flow of the foreign commerce of the United States, the vessels in such fleet to be so designed as to be readily and quickly convertible into transport and supply vessels in a time of national emergency. In planning the development of such a fleet the Commission is directed to cooperate closely with the Navy Department as to national-defense needs and the possible speedy adaptation of the merchant fleet to national-defense requirements.

Second, the ownership and the operation of such a merchant fleet

by citizens of the United States insofar as may be practicable.

Third, the planning of vessels designed to afford the best and most complete protection for passengers and crew against fire and all marine perils.

## Investigations, Studies, Records, Etc.

June 29, 1936, sec. 211 (46 U. S. C. 1121). The Commission is authorized and directed to investigate, determine, and keep current

records of—

(a) The ocean services, routes, and lines from ports in the United States, or in a Territory, district, or possession thereof, to foreign markets, which are, or may be, determined by the Commission to be essential for the promotion, development, expansion, and maintenance of the foreign commerce of the United States, and in reaching its determination the Commission shall consider and give due weight to the cost of maintaining each of such steamship lines, the probability that any such line cannot be maintained except at a heavy loss disproportionate to the benefit accruing to foreign trade, the number of sailings and types of vessels that should be employed in such lines, and any other facts and conditions that a prudent business man would consider when dealing with his own business, with the added consideration, however, of the intangible benefit the maintenance of any such line may afford to the foreign commerce of the United States and to the national defense;

(b) The type, size, speed, and other requirements of the vessels, including express-liner or super-liner vessels, which should be employed in such services or on such routes or lines, and the frequency and regularity of the sailings of such vessels, with a view to furnish-

ing adequate, regular, certain, and permanent service;

(c) The relative cost of construction of comparable vessels in the

United States and in foreign countries;

(d) The relative cost of marine insurance, maintenance, repairs, wages and subsistence of officers and crews, and all other items of expense, in the operation of comparable vessels in particular services, routes, and lines under the laws, rules, and regulations of the United

States and under those of the foreign countries whose vessels are substantial competitors of any such American service, route, or line;

(e) The extent and character of the governmental aid and subsidies granted by foreign governments to their merchant marine;

(f) The number, location, and efficiency of the shipyards existing on the date of the enactment of this Act or thereafter built in the United States;

(g) To investigate and determine what provisions of this Act and other Acts relating to shipping should be made applicable to aircraft engaged in foreign commerce in order to further the policy expressed in this Act, and to recommend appropriate legislation to this end;

(h) The advisability of enactment of suitable legislation authorizing the Commission, in an economic or commercial emergency, to aid the farmers and cotton, coal, lumber, and cement producers in any section of the United States in the transportation and landing of their products in any foreign port, which products can be carried in drycargo vessels by reducing rates, by supplying additional tonnage to any American operator, or by operation of vessels directly by the Commission, until such time as the Commission shall deem such special rate reduction and operation unnecessary for the benefit of the American farmers and such producers; and

(i) New designs, new methods of construction, and new types of equipment for vessels; the possibilities of promoting the carrying of American foreign trade in American vessels; and intercoastal and inland water transportation, including their relation to transporta-

tion by land and air.

MARITIME PROBLEMS; COOPERATIVE WITH OTHERS; DISCRIMINATORY CHARGES ON EXPORTS; RECOMMENDATIONS

June 29, 1936, sec. 212 (46 U. S. C. 1122). The Commission is authorized and directed—

(a) To study all maritime problems arising in the carrying out of

the policy set forth in title I of this Act;

(b) To study, and to cooperate with vessel owners in devising means by which—

(1) the importers and exporters of the United States can be induced to give preference to vessels under United States registry; and

(2) there may be constructed by or with the aid of the United States express-liner or super-liner vessels comparable with those of other nations, especially with a view to their use in national emergency, and the use in connection with or in lieu of such vessels of transoceanic aircraft service;

(c) To collaborate with vessel owners and shipbuilders in developing plans for the economical construction of vessels and their propelling machinery, of most modern economical types, giving thorough consideration to all well-recognized means of propulsion and taking into account the benefits accruing from standardized production where practicable and desirable;

(d) To establish and maintain liaison with such other boards, commissions, independent establishments, and departments of the United States Government, and with such representative trade organizations throughout the United States as may be concerned, directly

or indirectly, with any movement of commodities in the water-borne export and import foreign commerce of the United States, for the purpose of securing preference to vessels of United States registry in

the shipment of such commodities; and

(e) To investigate, under the regulatory powers transferred to it by this Act, any and all discriminatory rates, charges, classifications, and practices whereby exporters and shippers of cargo originating in the United States are required by any common carrier by water in the foreign trade of the United States to pay a higher rate from any United States port to a foreign port than the rate charged by such carrier on similar cargo from such foreign port to such United States port, and recommended to Congress measures by which such discrimination may be corrected.

(f) To make recommendation to Congress, from time to time, for such further legislation as it deems necessary better to effectuate the

purpose and policy of this Act.

# OBSOLETE TONNAGE; TRAMP SERVICE; RELATIVE COSTS AT YARDS

June 29, 1936, sec. 213 (46 U. S. C. 1123). The Commission shall make studies of and make a report to Congress as soon as practicable on—

(a) The scrapping or removal from service of old or obsolete merchant tonnage owned by the United States or in use in the mer-

chant marine;

(b) Tramp shipping service and the advisability of citizens of the United States participating in such service with vessels under

United States registry.

(c) The relative cost of construction or reconditioning of comparable ocean vessels in shippards in the various coastal destricts of the United States, together with recommendations as to how such shippards may compete for work on an equalized basis.

### INVESTIGATIVE POWERS OF COMMISSION

June 29, 1936, sec. 214 (46 U. S. C. 1124). (a) For the purpose of any investigation which, in the opinion of the Commission, is necessary and proper in carrying out the provisions of this Act, any member of the Commission, or any officer or employee thereof designated by it, is empowered to subpena witnesses, administer oaths and affirmations, take evidence, and require the production of any books, papers, or other documents which are relevant or material to the matter under investigation. Such attendance of witnesses and the production of such books, papers, or other documents may be required from any place in the United States or any Territory, district, or possession thereof at any designated place of hearing. Witnesses summoned before the Commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(b) Upon failure of any person to obey a subpena issued by the Commission, it may invoke the aid of any District Court of the United States within the jurisdiction in which such person resides or carries on business in requiring the attendance and testimony of witnesses and the production of books, papers, or other documents. Any such court may issue an order requiring such person to appear

before the Commission, or member, officer, or employee designated by the Commission, there to produce books, papers, or any other documents, if so ordered, or to give testimony touching the matter under investigation or in question. Any failure to obey such order of the court may be punished by such court as a contempt thereof. Any process in any such case may be served in the judicial district wherein such person resides or wherever he may be found.

(c) No person shall be excused from attending and testifying or from producing books, papers, or other documents before the Commission, or any member or officer or employee thereof, in any investigation instituted by the Commission under this Act, on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no person shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that such person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. (June 23, 1938, sec. 3.)

### Acquisition of Vessels

June 29, 1936, sec. 215 (46 U. S. C. 1125). The Commission is authorized to acquire by purchase or otherwise such vessels constructed in the United States as it may deem necessary to establish, maintain, improve, or effect replacements upon any service, route, or line in the foreign commerce of the United States determined to be essential under section 211 of this Act, and to pay for the same out of its construction fund: Provided, That the price paid therefor shall be based upon a fair and reasonable valuation, but it shall not exceed by more than 5 per centum the cost of such vessel to the owner (excluding any construction-differential subsidy and the cost of national defense features paid by the Commission) plus the actual cost previously expended thereon for reconditioning less depreciation based upon a twenty-year life expectancy of the vessel. No such vessel shall be acquired by the Commission unless the Secretary of the Navy has certified to the Commission that such vessel is suitable for economical and speedy conversion into a naval or military auxiliary, or otherwise suitable for the use of the United States in time of war or national emergency. Every vessel acquired under authority of this section that is not documented under the laws of the United States at the time of its acquisition shall be so documented as soon as practicable. (June 23, 1938, sec. 4.)

# TRAINING AND ORGANIZATION OF MERCHANT MARINE PERSONNEL

June 29, 1936, sec. 216 (46 U. S. C. 1126). (a) The Commission is hereby authorized and directed, under such rules and regulations as it may prescribe, to establish and maintain the United States Maritime Service as a voluntary organization for the training of citizens of the United States to serve as licensed and unlicensed personnel on American merchant vessels. The Commission is authorized to de-

termine the number of persons to be enrolled in the said Service, to fix the rates of pay of such persons, and to prescribe such courses and periods of training as, in its discretion, is necessary to maintain a trained and efficient merchant marine personnel. The ranks, grades, and ratings for the personnel of the said Service shall be the same as are now or shall hereafter be prescribed for the personnel of the Coast Guard. The Commission is further authorized to employ as instructors in said Service, on a contract or fee basis (without regard to the provisions of section 3709 of the Revised Statutes), such qualified persons, including licensed and unlicensed personnel of the merchant marine, as the Commission may deem necessary to effectuate the purposes of this section.

(b) The Commission is hereby authorized to train American citizens to become licensed officers of the merchant marine of the United States in a status of cadets and cadet officers on Government-owned and subsidized vessels and, in cooperation with other governmental and private agencies, on other vessels and, for instructional purposes only, in shipyards, plants, and industrial and educational organizations, under rules and regulations prescribed by the Commission and upon such terms as the Commission may arrange, and

expenditures incident to such training are hereby authorized.

(c) The Commission is hereby authorized to prescribe, conduct, and supervise such extension and correspondence courses as it may deem necessary to supplement other training facilities, and to make such courses available, under such rules and regulations and upon such terms as it may prescribe, to the licensed and unlicensed personnel of the merchant marine, and to cadets and cadet officers, who shall make application therefor. The Commission is further authorized to print, publish, and purchase suitable textbooks, equipment, and supplies required for such courses, and to employ persons, firms, and corporations on a contract or fee basis (without regard to the provisions of section 3709 of the Revised Statutes), for the performance of special services deemed necessary by the Commission in the preparation and editing of such textbooks and other aids to instruction, and in the supervision and administration of such courses.

(d) The Commission, with the consent of any executive department, independent establishment, or other agency of the Government, including any field service thereof, may avail itself of the use of information, services, facilities, officers, and employees thereof in carrying out the provisions of this section, as amended. (June 23,

1938, sec. 44; Aug. 4, 1939, sec. 5.)

### MANNING AND WAGE SCALES

June 29, 1936, sec. 301 (46 U. S. C. 1131). (a) The Commission is authorized and directed to investigate the employment and wage conditions in ocean-going shipping and, after making such investigation and after appropriate hearings, to incorporate in the contracts authorized under titles VI and VII of this Act minimum manning scales and minimum wage scales, and minimum working conditions for all officers and crews employed on all types of vessels receiving an operating-differential subsidy. After such minimum manning and wage scales, and working conditions shall have been adopted by the Commission, no change shall be made therein by the Commission

except upon public notice of the hearing to be had, and a hearing by the Commission of all interested parties, under such rules as the Commission shall prescribe. The duly elected representatives of the organizations certified as the proper collective bargaining agencies shall have the right to represent the employees who are members of their organizations at any such hearings. Every contractor receiving an operating-differential subsidy shall post and keep posted in a conspicuous place on each such vessel operated by such contractor a printed copy of the minimum manning and wage scales, and working conditions prescribed by his contract and applicable to such vessel: Provided, however, That any increase in the operating expenses of the subsidized vessel occasioned by any change in the wage or manning scales or working conditions as provided in this section shall be added to the operating-differential subsidy previously authorized for the vessel.

(b) Every contract executed under authority of titles VI and VII

of this Act shall require-

(1) Insofar as is practicable, officers' living quarters shall be kept separate and apart from those furnished for members of the crew;

(2) Licensed officers and unlicensed members of the crew shall be entitled to make complaints or recommendations to the Commission, providing they file such complaint or recommendation directly with the Commission, or with their immediate superior officer who shall be required to forward such complaint or recommendation with his remarks to the Commission, or with the authorized representatives of the respective collective bargaining agencies;

(3) Licensed officers who are members of the United States Naval Reserve shall wear on their uniforms such special distinguishing insignia as may be approved by the Secretary of the Navy; officers being those men serving under licenses issued by the Bureau of Marine

Inspection and Navigation;

(4) The uniform stripes, decoration, or other insignia shall be of gold braid or woven gold or silver material, to be worn by officers, and no member of the ship's crew other than licensed officers shall be allowed to wear any uniform with such officer's identifying insignia;

(5) No discrimination shall be practiced against licensed officers, who are otherwise qualified, because of their failure to qualify as members of the United States Naval Reserve. (June 23, 1938, secs. 5)

and 6.)

Citizenship of Officers and Crew.

June 29, 1936, sec. 302 (46 U. S. C. 1132). (a) All licensed officers of vessels documented under the laws of the United States, as now required by law, shall be citizens of the United States, native-born or completely naturalized; and upon each departure from the United States of a cargo vessel in respect of which a construction or operating subsidy has been granted all of the crew (crew including all employees of the ship) shall be citizens of the United States, native-born or completely naturalized.

(b) For a period of one year after the effective date of this Act, upon each departure from the United States of a passenger vessel in respect of which a construction or operation subsidy has been granted, all licensed officers shall be citizens of the United States as defined

above, and no less than 80 per centum of the crew (crew including all employees of the ship other than officers) shall be citizens of the United States, native-born or completely naturalized, and thereafter the percentage of citizens, as above defined, shall be increased 5 per centum per annum until 90 per centum of the entire crew, including all licensed officers of any such vessel, shall be citizens of the United States, native-born or completely naturalized.

(c) Any member of the crew, not required by this section to be a citizen of the United States, may be an alien only if he is in possession of a valid declaration of intention to become a citizen of the United States, or other evidence of legal admission to the United States for permanent residence. Such alien, as above defined, may be employed

only in the steward's department on passenger vessels.

(d) If any such vessel (as above defined) while on a foreign voyage is for any reason deprived of the services of any employee below the grade of master, his place or a vacancy caused by the promotion of another to his place may be supplied by a person other than defined in paragraphs (a) and (b), until the first return of such vessel to a port in the United States.

(e) The owner, agent, or officer of any such vessel who knowingly employs any person in violation of the provisions of this Act shall,

upon conviction thereof, be fined \$50 for each person so employed.

(f) This section shall be enforced by the Secretary of Commerce, for the purpose of carrying out the provisions of this section, and shall take effect ninety days after its enactment, and will then repeal

paragraph (c), section 405, Merchant Marine Act, 1928.

(g) All of the deck and engineer officers employed on vessels on which an operating-differential subsidy is paid under authority of title VI, or employed on the Commission's vessels, after one year after the passage of this Act, shall, if eligible, be members of the United States Naval Reserve.

(h) During a national emergency as proclaimed by the President he may, in his discretion, suspend any or all of the provisions of this

section.

#### Termination of Ocean Mail Contracts.

June 29, 1936, sec. 401 (46 U.S. C. 1141). No contract heretofore made by the Postmaster General, pursuant to the provisions of the Merchant Marine Act of 1928, for the carriage of mail, shall be continued in effect after June 30, 1937, and after that date it shall be unlawful for any officer of the United States to pay from any public funds any compensation to the holder of such contract for services thereunder, except for such voyages as were completed prior to the expiration date herein fixed and for voyages commenced prior to said expiration date and which shall not have been completed prior to said expiration date.

#### Adjustment of Rights Under Terminated Contracts

June 29, 1936, sec. 402 (46 U. S. C. 1142). (a) The holder of any mail contract that is to be terminated as provided in section 401 of this title may, within ninety days after the passage of this Act, file an application with the Commission to adjust and settle all the rights of the parties under such contract and to substitute in whole

or in part therefor a contract or contracts authorized in titles V and VI of this Act in accordance with the conditions hereinafter prescribed. Such application shall be in such form and filed under

such regulations as the Commission may prescribe.

(b) As soon as practicable after the filing of any such application, the Commission shall proceed to attempt to adjust all differences with such contractor, including any claims of the contractor against the United States and any claims of the United States against such contractor, arising out of its foreign ocean mail contract. In adjusting such differences and claims, the Commission shall not take into consideration any prospective or speculative future profits, but shall consider any and all payments theretofor made by the United States pursuant to such mail contract, and the profits realized as a result thereof, and the interest paid and the interest due according to law on construction loans, and all other facts deemed pertinent. If the contractor shall be willing to accept such determination and receive payment for the amount determined by the Commission to be a fair adjustment of such differences the Commission is authorized and directed to enter into and execute a settlement agreement with such contractor, wherein such contractor shall release the United States from any and all further claims arising from such contractor's mail contract: Provided, That the Attorney General of the United States may, if he is dissatisfied with such finding, appeal the same to the Court of Claims within a period of sixty days from the date such settlement is agreed upon, of record, by the Commission and the contractor. If such appeal is not taken for the United States by the Attorney General within sixty days from the record agreement between the Commission and the contractor, the contractor shall be paid any sum of money due him under such settlement agreement from any funds controlled by the Commission or hereafter appropriated for that purpose; or if such appeal is taken by the Attorney General, then, within sixty days from the rendition of the final judgment by the courts, the contractor shall be paid any sum of money due him under such judgment, from any funds controlled by the Commission or hereafter appropriated for that purpose.

(c) If the holder of any ocean mail contract terminated by the provisions of section 401 of this title does not enter into and execute a settlement agreement as provided in subsection (b) hereof, such holder may sue the United States in the United States Court of Claims, but such suit shall not be maintained unless brought before January 1, 1938. If suit is filed in the Court of Claims the claimant and the United States shall have the right in such court to set up and have determined and adjusted by the court all legal and equitable claims, differences, offsets, credits, and recoupments to which either may be entitled, to the end that all conflicting claims, assertions, and rights may be fully, fairly, and completely settled and adjudged by the court, including any question as to the legality of the contract as originally made or as modified, altered, or amended. The jurisdiction of said court to award any damages or payments to the ocean mail contractor is hereby expressly limited to an award of just compensation under the provisions heretofore set forth and such just compensation shall not include any allowances for prospective profits

or for speculative future profits that might have been realized by the claimant if permitted further to carry out the contract. The remedy herein provided shall be exclusive and no other suit shall be maintained by the applicant or by any other person in any court of the United States arising out of any claims under or connected with said contract.

(d) Notwithstanding the provisions of the Acts making appropriation for the Treasury and Post Office Departments for the fiscal years ending June 30, 1934, June 30, 1935, June 30, 1936, and June 30, 1937, which were approved, respectively, March 3, 1933 (47 U.S. Stat. L. 1510), March 15, 1934 (48 U. S. Stat L. 446), May 14, 1935 (49 U. S. Stat. L. 239), and June 23, 1936 (49 U. S. Stat. L. 1850), as soon as practicable after the enactment of this subsection, and within six months after its enactment, the Commission, in its discretion, may proceed to attempt to adjust all differences with the holder of any contract alleged to have been made by the Postmaster General pursuant to the provisions of the Merchant Marine Act of 1928 for the carriage of mail, in cases where a suit, pending in the Court of Claims at the time of the enactment of this subsection and based upon the alleged termination or breach of such contract, had been filed by such contractor prior to July 1, 1937, including any claims of the contractor against the United States and any claims of the United States against such contractor, arising out of said contract. In adjusting such differences and claims the Commission shall not take into consideration any prospective or speculative future profits, but shall consider any and all payments theretofore made by the United States pursuant to such mail contract, and the profits realized as a result thereof, and the interest paid and the interest due according to law on construction loans, and all other facts deemed pertinent. If the contractor shall be willing to accept such determination and receive payment for the amount determined by the Commission to be a fair adjustment of such differences, the Commission is authorized and directed, concurrently with the dismissal of any suit based upon the alleged termination or breach of such contract filed by such contractor with prejudice and without costs, to enter into and execute a settlement agreement with such contractor, wherein such contractor shall release the United States from any and all claims arising from such contractor's mail contract: Provided, That the Attorney General of the United States shall review such settlement agreement, and if he is dissatisfied with such finding shall notify the Commission and the contractor in writing within sixty days and upon such notice the settlement agreement shall become null and void; otherwise the contractor shall be paid any sum of money due him under such settlement agreement out of such appropriation as the Congress may hereafter provide for this purpose from funds controlled by the Commission or from the general funds of the Treasury: Provided, That if any sum of money is payable to the contractor under the terms of any settlement agreement made pursuant to this subsection, such sums shall be applied (a) as a credit upon any amount owing by the contractor to the United States on any loan agreement entered into under section 11 of the Merchant Marine Act of 1920, as amended, or upon unpaid ship sales mortgage notes, (b) Federal taxes of the contractor due or to become due for the taxable year in which the settlement is made, and (c) on any other indebtedness of the contractor to the United States. If any such sums are applied as a credit as aforesaid, then the Comptroller General of the United States shall execute a discharge of the amount of such debts satisfied thereby. Nothing herein shall affect any right which such contractor may now have to maintain a suit arising out of such contract against the United States in the Court of Claims unless such suit is dismissed as provided herein: Provided further, That nothing herein shall be construed to affect any right or defense of any party in any suit pending in the Court of Claims: And provided further, That the enactment of this legislation shall not be considered or construed by the Commission or by any court as a legislative interpretation in favor of the validity or legality of any alleged contract involved in, or the basis of, any controversy or litigation, adjustment of which is permitted by this subsection. (June 1, 1938; June 23, 1938, sec. 7.)

Credit of Sum Payable Contractor on Loans and Mortgage Notes.

June 29, 1936, sec. 403 (46 U.S. C. 1143). (a) if any sum of money is payable to the contractor under the terms of any settlement agreement made pursuant to section 402 (b) of this title, such sum shall be applied as a credit upon any amount owing by the contractor to the United States on any loan agreement entered into under section 11 of the Merchant Marine Act, 1920, as amended, or upon unpaid shipsales mortgage notes.

Transfer of Powers Under Mail Contracts to Commission.

June 29, 1936, sec. 404 (46 U. S. C. 1144). All the powers and duties now vested by law in the Postmaster General, with respect to existing ocean-mail contracts, executed pursuant to title IV of the Merchant Marine Act, 1928, are hereby transferred to and vested in the Commission.

Vessels Used for Carrying Mails; Transportation of Agents and Employees of Post Office Department.

June 29, 1936, sec. 405 (46 U. S. C. 1145). (a) All mails of the United States carried on vessels between ports between which it is lawful under the navigation laws for a vessel not documented under the laws of the United States to carry merchandise shall, insofar as

practicable, be carried on vessels of United States registry.

(b) Every steamship company carrying the mails shall carry on any ship it operates and without extra charge therefor the persons in charge of the mails and when on duty and traveling to and from duty, and all duly accredited agents and officers of the Post Office Department and post-office inspectors while traveling on official business, upon the exhibition of their credentials.

Subsidy Authorized for Vessels To Be Operated in Foreign Trade.

June 29, 1936, sec. 501 (46 U. S. C. 1151). (a) Any citizen of the United States may make application to the Commission for a construction-differential subsidy to aid in the construction of a new vessel, to be used on a service, route, or line in the foreign commerce of the United States, determined to be essential under section 211 of this Act. No such application shall be approved by the Commission unless it determines that (1) the service, route, or line requires a new vessel of modern and economical design to meet foreign-flag

competition and to promote the foreign commerce of the United States; (2) the plans and specifications call for a new vessel which will meet the needs of the service, route, or line, and the requirements of commerce; (3) the applicant possesses the ability, experience, financial resources, and other qualifications necessary to enable it to operate and maintain the proposed new vessel in such service, or on such route or line, and to maintain and continue adequate service on said route or line, including replacement of worn out or obsolete tonnage with new and modern ships; and (4) the granting of the aid applied for is reasonably calculated to carry out effectively the purposes and policy of this Act.

(b) The Commission shall submit the plans and specifications for the proposed vessel to the Navy Department for examination thereof and suggestions for such changes therein as may be deemed necessary or proper in order that such vessel shall be suitable for economical and speedy conversion into a naval or military auxiliary, or otherwise suitable for the use of the United States Government in time of war or national emergency. If the Secretary of the Navy approves such plans and specifications as submitted, or as modified, in accordance with the provisions of this subsection, he shall certify such

approval to the Commission.

(c) Any citizen of the United States may make application to the Commission for a construction-differential subsidy to aid in reconstructing or reconditioning any vessel that is to be exclusively used on a service, route, or line in the foreign commerce of the United States, determined to be essential under section 211 of this Act. the Commission, in the exercise of its discretion, shall determine that the granting of the financial aid applied for is reasonably calculated to carry out effectively the purposes and policy of this Act, the Commission may approve such application and enter into a contract or contracts with the applicant therefor providing for the payment by the United States of a construction-differential subsidy that is to be ascertained, determined, controlled, granted, and paid, subject to all the applicable conditions and limitations of this title and under such further conditions and limitations as may be prescribed in the rules and regulations the Commission has adopted as provided in section 204 (b) of this Act; but the financial aid authorized by this subsection shall be extended to reconstruction or reconditioning only in exceptional cases and after a thorough study and a formal determination by the commission that the proposed reconstruction or reconditioning is consistent with the purpose and policy of this Act. (June 23, 1938, sec. 8.)

## Construction of Vessels; Bids; Subsidies.

June 29, 1936, sec. 502 (46 U. S. C. 1152). (a) If the Secretary of the Navy certifies his approval under section 501 (b) of this Act, and the Commission approves the application, it may secure, on behalf of the applicant, bids for the construction of the proposed vessel according to the approved plans and specifications. If the bid of the shipbuilder who is the lowest responsible bidder is determined by the Commission to be fair and reasonable, the Commission may approve such bid, and if such approved bid is accepted by the applicant, the Commission is authorized to enter into a contract with the successful

bidder for the construction, outfitting, and equipment of the proposed vessel, and for the payment by the Commission to the shipbuilder, on terms to be agreed upon in the contract, of the contract price of the vessel, out of the construction fund hereinbefore referred to, or out of the other available funds. Concurrently with entering into such contract with the shipbuilder, the Commission is authorized to enter into a contract with the applicant for the purchase by him of such vessel upon its completion, at a price corresponding to the estimated cost, as determined by the Commission pursuant to the provisions of this Act, of building such vessel in a foreign

shipyard.

(b) The amount of the reduction in selling price which is herein termed the "construction differential subsidy" may equal, but not exceed, the excess of the bid of the shipbuilder constructing the proposed vessel (excluding the cost of any features incorporated in the vessel for national-defense uses, which shall be paid by the Commission in addition to the subsidy), over the fair and reasonable estimate of cost, as determined by the Commission, of the construction of the proposed vessel if it were constructed under similar plans and specifications (excluding national-defense features as above provided) in a principal foreign shipbuilding center which is deemed by the Commission to furnish a fair and representative example for the determination of the estimated foreign cost of construction of vessels of the type proposed to be constructed. The construction differential approved by the Commission shall not exceed 331/3 per centum of the construction cost of the vessel paid by the Commission (excluding the cost of national-defense features as above provided), except that in cases where the Commission possesses convincing evidence that the actual differential is greater than that percentage, the Commission may approve an allowance not to exceed 50 per centum of such cost, upon the affirmative vote of four members, except as otherwise provided in subsection 201 (a). In any case where the Commission finds that the construction differential exceeds 33½ per centum of such cost and that the lowest bid of a responsible domestic shipbuilder is unreasonable, excessive, or collusive, the Commission may negotiate and contract with the view to construction in a domestic shipyard that is not unreasonable or excessive in cost or collusive in character. Where the Commission finds that the construction differential exceeds 50 per centum of such cost, the Commission may negotiate and contract on behalf of the applicant to build such vessel in a domestic shippard at a cost which will reduce the construction differential to 50 per centum or less. In the event that the Commission have reason to believe that the bidding in any instance is collusive, it shall report all of the evidence on which the Commission acted (1) to the Attorney General of the United States, and (2) to the President of the Senate and to the Speaker of the House of Representatives if the Congress shall be in session or if the Congress shall not be in session, then to the Clerk of the Senate and the Clerk of the House respectively.

(c) In such contract between the applicant and the Commission, the applicant shall be required to make cash payments to the Commission of not less than 25 per centum of the price at which the vessel is sold to the applicant. The cash payments shall be made at the

time and in the same proportion as provided for the payments on account of the construction cost in the contract between the shipbuilder and the Commission. The applicant shall pay, not less frequently than annually, interest at the rate of 31/2 per centum per annum on those portions of the Commission's payments as made to the ship builder which are chargeable to the applicant's purchase price of the vessel (after deduction of the applicant's cash payments). The balance of such purchase price shall be paid by the applicant, within twenty years after delivery of the vessel and in not to exceed twenty equal annual installments, the first of which shall be payable one year after the delivery of the vessel by the Commission to the applicant. Interest at the rate of 3½ per centum per annum shall be paid on all such installments of the purchase price remaining unpaid.

(d) In case a construction differential subsidy is applied for under

this title by an applicant who has as his principal place of business a place on the Pacific coast of the United States (but not including one who, having been in business on or before August 1, 1935, has changed his principal place of business to a place on the Pacific coast of the United States after such date) to aid in the construction or reconditioning of a vessel to be operated in foreign trade in a service, route, or line from ports on the Pacific coast of the United States, and the amount of the bid of the shipbuilder on the Pacific coast who is the lowest responsible bidder on such coast for such construction or reconditioning does not exceed the amount of the bid of the shipbuilder on the Atlantic coast of the United States who is the lowest responsible bidder therefor by more than 6 per centum of the amount of the bid of such Atlantic coast shipbuilder, the Commission shall, except as provided in subsection (e), approve such Pacific coast bid, and in such case no payment shall be made to aid in such construction or reconditioning unless the applicant accepts the bid of such Pacific coast shipbuilder and agrees to designate and continue as the home port of the vessel to be constructed or reconditioned a port on the Pacific Nothing in this section shall be construed as authorizing the Commission to approve a construction-differential in excess of 50 per centum of the construction cost of the vessel paid by the Commission.

(e) If no bids are received for the construction, outfitting, or equipping of such vessel, or if it appears to the Commission that the bids received from privately owned shipyards of the United States are collusive, excessive, or unreasonable, and if the applicant agrees to purchase said vessel as provided in this section, then, to provide employment for citizens of the United States, the Commission may have such vessel constructed, outfitted, or equipped at not in excess of the actual cost thereof in a navy yard of the United States under such regulations as may be promulgated by the Secretary of the Navy and the Commission. In such event the Commission is authorized to pay for any such vessel so constructed from its construction fund. The Commission is authorized to sell any vessel so constructed, outfitted, or equipped in a navy yard to an applicant for the fair and reasonable value thereof, but at not less than the cost thereof less the equivalent to the construction-differential subsidy determined as provided by subsection (b), such sale to be in accordance with all the

provisions of this title.

(f) If at any time the Commission shall find that the existing shipyards, including the Navy Yards, do not provide adequate facilities to meet necessary requirements for purposes of national defense and national emergency, with special regard to providing facilities for the national defense at strategic points, the Commission, after taking into consideration the benefits accruing from standardized construction, the conditions of unemployment, and the needs and reasonable requirements of all ship yards, may, with the approval of the President, allocate construction work under this title and under title VII to such yards in such manner as it may determine to be fair, just, and reasonable to all sections of the country, subject to the provisions of this subsection. In the allocation of construction work to such yards as herein provided, the Commission may, after first obtaining competitive bids for such work in compliance with the provisions of this Act, negotiate with the bidders and with other shipbuilders concerning the terms and conditions of any contract for such work, and is authorized to enter into such contract at a price deemed by the Commission to be fair and reasonable. Any contract entered into by the Commission under the provisions of this subsection shall be subject to all of the terms and conditions of this Act, excepting those pertaining to the awarding of contracts to the lowest bidder which are inconsistent with the provisions of this subsection. In the event that a contract is made providing for a price in excess of the lowest responsible bid which otherwise would be accepted, such excess shall be paid by the Commission as a part of the cost of national defense, and shall not be considered as a part of the construction-differential subsidy. In the event that a contract is made providing for a price lower than the lowest responsible bid which otherwise would be accepted, the construction-differential subsidy shall be computed on the contract price in lieu of such bid.

(g) Upon the agreement of an applicant under this title to purchase any vessel acquired by the Commission under the provisions of section 215, the Commission is authorized to sell such vessel to the applicant for the fair and reasonable value thereof, but at not less than the cost thereof to the Commission, less depreciation based on a twenty-year life expectancy from the date of completion, excluding the cost of national-defense features added by the Commission, less the equivalent of any applicable construction-differential subsidy as provided by subsection (b), such sale to be in accordance with all the provisions of this title. Such vessel shall thereupon be eligible for an operating-differential subsidy under title VI of this Act, notwithstanding the provisions of section 601 (a) (1), and section 610 (1), or any other

provision of law. (June 23, 1938, secs. 9 and 14).

Documentation of Completed Vessel Under Laws of United States; Delivery to Applicant; First Mortgage to Secure Deferred Payments.

JUNE 29, 1936, sec. 503 (46 U. S. C. 1153). Upon completion of the construction of any vessel in respect to which a construction-differential subsidy is to be allowed under this title and its delivery by the shipbuilder to the Commission, the vessel shall be documented under the laws of the United States, and concurrently therewith, or as soon thereafter as practicable, the vessel shall be delivered with a bill of sale to the applicant with warranty against liens, pursuant

to the contract of purchase between the applicant and the Commission. The vessel shall remain documented under the laws of the United States for not less than twenty years, or so long as there remains due the United States any principal or interest on account of the purchase price, whichever is the longer period. At the time of delivery of the vessel the applicant shall execute and deliver a first preferred mortgage to the United States to secure payment of any sums due from the applicant in respect to said vessel. The purchaser shall also comply with all the provisions of section 9 of the Merchant Marine Act, 1920. (June 23, 1938, sec. 15.)

Financing Construction by Applicant in Lieu of Purchase from Commission; Subsidy; Documentation.

June 29, 1936, sec. 504 (46 U.S. C. 1154). Where an eligible applicant under the terms of this title desires to finance the construction of a proposed vessel according to approved plans and specifications rather than purchase the same vessel from the Commission as hereinabove authorized, the Commission may permit the applicant to obtain and submit to it competitive bids from domestic shipyards for such work. If the Commission considers the bid of the shipvard in which the applicant desires to have the vessel built fair and reasonable, it may approve such bid and become a party to the contract or contracts or other arrangements for the construction of such proposed vessel and may agree to pay a construction-differential subsidy in an amount determined by the Commission in accordance with section 502 of this title, and for the cost of national-defense features. The construction-differential subsidy and payments for nationaldefense features shall be based on the lowest responsible domestic bid. No construction-differential subsidy, as provided in this section, shall be paid unless the said contract or contracts or other arrangements contain such provisions as are provided in this title to protect the interests of the United States as the Commission deems necessary. Such vessel shall be documented under the laws of the United States as provided in section 503 of this title and operated as approved by the Commission under the requirements applicable to vessels constructed under this Act. (June 23, 1938, sec. 16.)

Eligible Shipyards; Materials; Conditions of Contracts.

June 29, 1936, sec. 505 (46 U. S. C. 1155). (a) All construction in respect of which a construction-differential subsidy is allowed under this title shall be performed in a shippard within the continental limits of the United States as the result of competitive bidding, after due advertisement, with the right reserved in the applicant to reject, and in the Commission to disapprove, any or all bids. In all such construction the shipbuilder, subcontractors, materialmen, or suppliers shall use, so far as practicable, only articles, materials, and supplies of the growth, production, or manufacture of the United States as defined in paragraph K of section 401 of the Tariff Act of 1930. No shipbuilder shall be deemed a responsible bidder unless he possesses the ability, experience, financial resources, equipment, and other qualifications necessary properly to perform the proposed contract. Each bid submitted to the Commission shall be accompanied by all detailed estimates upon which it is based. The Commission may require that the bids of any subcontractors, or other pertinent

data, accompany such bid. All such bids and data relating thereto

shall be kept permanently on file.

(b) No contract shall be made for the construction of any vessel under this Act unless the shipbuilder shall agree (1) to make a report under oath to the Commission upon completion of the contract, setting forth in the form prescribed by the Commission the total contract price, the total cost of performing the contract, the amount of the shipbuilder's overhead charged to such cost, the net profits and the percentage such net profit bears to the contract price, and such other information as the Commission shall prescribe; (2) to pay to the Commission profit, as hereinafter provided shall be determined by the Commission, in excess of 10 per centum of the total contract prices of such contracts within the scope of this section as are completed by the particular contracting party within the income taxable year, such amount to become the property of the United States, but the surety under such contracts shall not be liable for the payment of such excess profit: Provided, That if there is a net loss on all such contracts or subcontracts completed by the particular contractor or subcontractor within any income taxable year, such net loss shall be allowed as a credit in determining the excess profit, if any, for the next succeeding income taxable year: Provided, That if such amount is not voluntarily paid, the Commission shall determine the amount of such excess profit and collect it in the same manner that other debts due the United States may be collected; (3) to make no subdivisions of any contract or subcontract for the same article or articles for the purpose of evading the provisions of this Act, and any subdivision of any contract or subcontract involving an amount in excess of \$10,000 shall be subject to the conditions herein prescribed; (4) that the books, files, and all other records of the shipbuilder, or any holding, subsidiary, affiliated, or associated company, shall at all times be subject to inspection and audit by any person designated by the Commission, and the premises, including ships under construction, of the shipbuilder, shall at all reasonable times be subject to inspection by the agents of the Commission; and (5) to make no subcontract unless the subcontractor agrees to the foregoing conditions: Provided, That this section shall not apply to contracts or subcontracts for scientific equipment used for communication and navigation as may be so designated by the Commission, nor to contracts or other arrangements entered into under this title by the terms of which the United States undertakes to pay only for national-defense features, and the Commission shall report annually to Congress the names of such contractors and subcontractors affected by this provision, together with the applicable contracts and the amounts thereof.

(c) The method of determining the shipbuilder's profit shall be prescribed by the Commission: Provided, That in computing such profits no salary of more than \$25,000 per year to any individual shall be considered as a part of the cost of building such ship, and the Commission shall scrutinize construction costs and overhead expenses to determine that they are fair, just, and not in excess of a reasonable market price for commodities or goods or services purchased or

(d) The Commission may, with the consent of the Secretary of the Treasury, utilize the services of Treasury Department employees engaged in similar functions in the determination or collection of

shipbuilder profits in naval construction.

(e) If the shipbuilder whose bid has been approved by the Commission and accepted by the applicant, as provided in section 502 of this title, shall refuse to agree to any of the requirements of this section, the Commission is authorized to rescind its approval of such bid and to advertise for new bids, or, in its discretion, the Commission may have the vessel or vessels in question constructed in a United States navy yard. (June 23, 1938, secs. 17 and 40a.)

Operation of Subsidy Constructed Vessel Limited to Foreign Trade; Repayments to Commission for Deviations.

June 29, 1936, sec. 506 (46 U.S. C. 1156). Every owner of a vessel for which a construction-differential subsidy has been paid shall agree that the vessel shall be operated exclusively in foreign trade, or on a round-the-world voyage, or on a round voyage from the west coast of the United States to a European port or ports which includes intercoastal ports of the United States, or a round voyage from the Atlantic coast of the United States to the Orient which includes intercoastal ports of the United States, or on a voyage in foreign trade on which the vessel may stop at an island possession or island territory of the United States, and that if the vessel is operated in the domestic trade on any of the above-enumerated services, he will pay annually to the Commission that proportion of one-twentieth of the constructiondifferential subsidy paid for such vessel as the gross revenue derived from the domestic trade bears to the gross revenue derived from the entire voyages completed during the preceding year. The Commission may consent in writing to the temporary transfer of such vessel to service other than the service covered by such agreement for periods not exceeding six months in any year, whenever the Commission may determine that such transfer is necessary or appropriate to carry out the purposes of this Act. Such consent shall be conditioned upon the agreement by the owner to pay to the Commission, upon such terms and conditions as it may prescribe, an amount which bears the same proportion to the construction-differential subsidy paid by the Commission as such temporary period bears to the entire economic life of the vessel. No operating-differential subsidy shall be paid for the operation of such vessel for such temporary period. (June 23, 1938, sec. 18.)

Construction of New Vessel to Replace Obsolete; Purchase of Old Vessel by Commission; Bond of Seller Against Liens.

June 29, 1936, sec. 507 (46 U. S. C. 1157). If a contract is made by the Commission under authority of this title for the construction and sale of a new vessel to replace a vessel then operated in foreign trade, which in the judgment of the Commission should be replaced because it is obsolete or inadequate for successful operation in such trade, the Commission is authorized, in its discretion, to buy such replaced vessel from the owner at a fair and reasonable valuation, which valuation shall not exceed the cost to the owner or any former owner plus the actual cost previously expended thereon for reconditioning, and less a reasonable and proper depreciation, based upon not more than a twenty-year life of the vessel, and apply the purchase price agreed upon to that portion of the construction cost of such new vessel which

is to be borne by the purchaser thereof: Provided, That the owner of such replaced vessel shall execute a bond, with one or more approved sureties, conditioned upon indemnifying the United States from all loss resulting from any existing lien against such vessel: And provided further, That such vessel has been documented under the laws of the United States for a period of at least ten years prior to the date of its purchase by the United States. (June 23, 1938, sec. 19.)

Disposition of Vessels Transferred to Commission by Department of Commerce.

June 29, 1936, sec. 508 (46 U.S. C. 1158). If the Commission shall determine that any vessel transferred to it by section 202 of this Act, or hereafter acquired, is of insufficient value for commercial or military operation to warrant its further preservation, the Commission is authorized (1) to scrap said vessel, or (2) to sell such vessel for cash, after appraisement and due advertisement, and upon competitive sealed bids, either to citizens of the United States or to aliens: Provided, That the purchaser thereof shall enter into an undertaking with sureties approved by the Commission that such vessel shall not be operated in the foreign commerce of the United States at any time within the period of ten years after the date of the sale, in competition with any other vessel owned by a citizen or citizens of the United States and registered under the laws thereof.

Vessels to be Operated in Domestic Trade; Terms and Conditions of Construction Aid and Sale to Applicant.

June 29, 1936, sec. 509 (46 U.S. C. 1159). Any citizen of the United States may make application to the Commission for aid in the construction of a new vessel to be operated in the foreign or domestic trade (excepting vessels engaged solely in the transportation of property on inland rivers and canals exclusively). If such application is approved by the Commission, the vessel may be constructed under the terms and conditions of this title, but no construction-differential subsidy shall be allowed. The Commission shall pay for the cost of national-defense features incorporated in such vessel. The applicant shall be required to pay the Commission not less than 12½ per centum of the cost of such vessel and in the case of any other vessel the applicant shall be required to pay the Commission not less than 25 per centum of the cost of such vessel (excluding from such cost, in either case, the cost of national-defense features); and the balance of such purchase price shall be paid by the applicant within twenty years in not to exceed twenty equal annual installments, with interest at 3½ per centum per annum, secured by a preferred mortgage on the vessel sold and otherwise secured as the Commission may determine: Provided, That in case a vessel is to be constructed under this section for an applicant who has as his principal place of business a place on the Pacific coast of the United States (but not including one who having been in business on or before August 1, 1935, has changed his principal place of business to a place on the Pacific coast of the United States after such date), to be operated in a coastwise, intercoastal, or other domestic service, route, or line from or on the Pacific coast of the United States, and the amount of the lowest responsible bid of shipyards on such coast for the construction of such vessel does not exceed the amount of the lowest responsible bid therefor of shipyards on the Atlantic coast of the United States by more than 6 per centum of the amount of the bid of such Atlantic coast shipyard, such vessel shall be constructed for the applicant by the Commission only if the applicant accepts such lowest responsible bid of the Pacific coast shipyard, and agrees to designate and continue as the home port of the vessel to be constructed a port on the Pacific coast of the United States. The minimum rate of interest on deferred payments shall be three-fourths of 1 per centum lower than the minimum rate which would otherwise be applicable, with respect to the periods of construction of such vessel and its operation exclusively in coastwise, intercoastal, and other domestic trade. Such lower interest rate shall not apply with respect to any period in which the applicant

(1) Does not continue as its home port a port on the Pacific coast

of the United States;

(2) Operates the vessel in coastwise or other domestic trade other than on the Pacific coast;

(3) Operates the vessel in intercoastal or foreign trade except to

and from ports on the Pacific coast; or

(4) Having been in business before August 1, 1935, and having changed his principal place of business to a place on the Pacific coast after such date, maintains his principal place of business at any place on the Pacific coast. (June 23, 1938, sec. 20; June 6, 1939.)

### Exchange of Obsolete Vessels.

Aug. 7, 1939, sec. 510 (46 U. S. C. 1160). (a) When used in this section—

(1) The term "obsolete vessel" means a vessel or vessels, each of which (A) is of not less than one thousand three hundred and fifty gross tons, (B) is not less than seventeen years old and, in the judgment of the Commission, is obsolete or inadequate for successful operation in the domestic or foreign trade of the United States, and (C) is owned by a citizen or citizens of the United States and has been owned by such citizen or citizens for at least three years immediately prior to the date of acquisition hereunder.

(2) The term "new vessel" means a vessel or vessels, each of which (A) is constructed under the provisions of this Act, and is acquired within two years from the date of completion of such vessel, or is purchased under section 714, as amended, by the person turning in an obsolete vessel under this section, or (B) is hereafter constructed in a domestic shippard on private account and not under the provisions of this Act, and documented under the laws of the United States.

(b) In order to promote the construction of new, safe, and efficient vessels to carry the domestic and foreign water-borne commerce of the United States, the Commission is authorized, subject to the provisions of this section, to acquire any obsolete vessel in exchange for an allowance of credit. The amount of such allowance shall be determined at the same time the owner contracts for the construction or purchase of a new vessel. The allowance shall not be paid to the owner of the obsolete vessel but shall be applied upon the purchase price of a new vessel. In the case of a new vessel constructed under the provisions of this Act, such allowance may, under such terms and conditions as the Commission may prescribe, be applied upon the cash payments required under this Act. In case the new vessel is not constructed under the provisions of this Act, the allowance shall,

upon transfer of the obsolete vessel to the Commission, be paid, for the account of the owner, to the shipbuilder constructing such new

(c) The utility value of the new vessel for operation in the domestic or foreign commerce of the United States shall not be substantially less than that of the obsolete vessel. The gross tonnage of the obsolete vessel may exceed the gross tonnage of the new vessel in a ratio not in excess of three to one, if the Commission finds that the new vessel, although of lesser tonnage, will provide utility value

equivalent to or greater than that of the obsolete vessel.

(d) The allowance for an obsolete vessel shall be the fair and reasonable value of such vessel as determined by the Commission. In making such determination the Commission shall consider: (1) The scrap value of the obsolete vessel both in American and in foreign markets, (2) the depreciated value based on a twenty-year life, and (3) the market value thereof for operation in the world trade or in the foreign or domestic trade of the United States. If the owner of the obsolete vessel uses such vessel during the period of construction of the new vessel, the allowance shall be reduced by an amount

representing the fair value of such use.

(e) No gain shall be recognized to the owner for the purpose of Federal income taxes in the case of a transfer of an obsolete vessel to the Commission under the provisions of this section. The basis for gain or loss upon a sale or exchange and for depreciation under the applicable Federal income-tax laws of a new vessel acquired as contemplated in this section shall be the same as the basis of the obsolete vessel or vessels exchanged for credit upon the acquisition of such new vessel, increased in the amount of the cost of such vessel (other than the cost represented by such obsolete vessel or vessels) and decreased in the amount of loss recognized upon such transfer.

(f) The Commission shall include in its annual report to Congress a detailed statement of all transactions consummated under the provisions of the preceding subsections during the period covered by

such report.

(g) An obsolete vessel acquired by the Commission under this section which is or becomes twenty years old or more, and vessels presently in the Commission's laid-up fleet which are or become twenty years old or more, shall in no case be used for commercial operation, except that any such obsolete vessel, or any such vessel in the laid-up fleet may be used during any period in which vessels may be requisitioned under section 902 of this Act, as amended, and except as otherwise provided in this Act for the employment of the Commission's vessels in steamship lines on trade routes exclusively serving the foreign trade of the United States.

Subsidy Authorized for Operation of Vessels in Foreign Trade.

June 29, 1936, sec. 601 (46 U. S. C. 1171). (a) The Commission is authorized and directed to consider the application of any citizen of the United States for financial aid in the operation of a vessel or vessels, which are to be used in an essential service in the foreign commerce of the United States. No such application shall be approved by the Commission unless it determines that (1) the operation of such vessel or vessels in such service, route, or line is required to

meet foreign-flag competition and to promote the foreign commerce of the United States, and that such vessel or vessels were built in the United States, or have been documented under the laws of the United States not later than February 1, 1928, or actually ordered and under construction for the account of citizens of the United States prior to such date; (2) the applicant owns, or can and will build or purchase, a vessel or vessels of the size, type, speed, and number, and with the proper equipment required to enable him to operate and maintain the service, route, or line, in such manner as may be necessary to meet competitive conditions, and to promote foreign commerce; (3) the applicant possesses the ability, experience, financial resources, and other qualifications necessary to enable him to conduct the proposed operations of the vessel or vessels as to meet competitive conditions and promote foreign commerce; (4) the granting of the aid applied for is necessary to place the proposed operations of the vessel or vessels on a parity with those of foreign competitors, and is reasonably calculated to carry out effectively the purposes and policy of this Act.

(b) Every application for an operating-differential subsidy under the provisions of this title shall be accompanied by statements disclosing the names of all persons having any pecuniary interest, direct or indirect, in such application, or in the ownership or use of the vessel or vessels, routes, or lines covered thereby, and the nature and extent of any such interest, together with such financial and other statements as may be required by the Commission. All such statements shall be under oath or affirmation and in such form as the Commission shall prescribe. Any person who, in an application for financial aid under this title or in any statement required to be filed therewith, willfully makes any untrue statement of a material fact,

shall be guilty of a misdemeanor.

## Subsidy to Meet Indirect Competition.

June 29, 1936, sec. 602 (46 U. S. C. 1172). No contract for an operating-differential subsidy shall be made by the Commission for the operation of a vessel or vessels to meet foreign competition, except direct foreign-flag competition, until and unless the Commission, after a full and complete investigation and hearing, shall determine that an operating subsidy is necessary to meet competition of foreign-flag ships. (June 23, 1938, sec. 40d).

# Contracts for Payment of Subsidy.

June 29, 1936, sec. 603 (46 U. S. C. 1173). (a) If the Commission approves the application, it may enter into a contract with the applicant for the payment of an operating-differential subsidy determined in accordance with the provisions of subsection (b) of this section, for the operation of such vessel or vessels in such service, route, or line for a period not exceeding twenty years, and subject to such reasonable terms and conditions, consistent with this Act, as the Commission shall require to effectuate the purposes and policy of this Act, including a performance bond with approved sureties, if such bond is required by the Commission.

(b) Such contract shall provide that the amount of the operatingdifferential subsidy shall not exceed the excess of the fair and reasonable cost of insurance, maintenance, repairs not compensated by insurance, wages and subsistence of officers and crews, and any other items of expense in which the Commission shall find and determine that the applicant is at a substantial disadvantage in competition with vessels of the foreign country hereinafter referred to, in the operation under United States registry of the vessel or vessels covered by the contract, over the estimated fair and reasonable cost of the same items of expense (after deducting therefrom any estimated increase in such items necessitated by features incorporated pursuant to the provisions of section 501 (b)) if such vessel or vessels were operated under the registry of a foreign country whose vessels are substantial competitors of the vessel or vessels covered by the contract.

(c) The amount of such subsidy shall be determined and payable on the basis of a final accounting made as soon as practicable after the end of each year or other period fixed in the contract. The Commission may provide for in the contract, or otherwise approve, the payment from time to time during any such period of such amounts on account as it deems proper. Such payments on account shall in no case exceed 75 per centum of the amount estimated to have accrued on account of such subsidy. except that, with respect to that part of the subsidy relating to any particular voyage, an additional 15 per centum may be paid to the contractor after such contractor's audit of the voyage account for such voyage has been completed and the Commission's auditors have verified the correctness of the same. Any such payments shall be made only after there has been furnished to the Commission such security as it deems to be reasonable and necessary to insure refund of any over-payment.

No such operating-differential subsidy shall be paid until the contractor shall have furnished evidence satisfactory to the Commission that the wages prescribed in accordance with subsection 301 (a) of

this Act have been paid to the ship's personnel.

# Additional Subsidy; When Authorized.

June 29, 1936, sec. 604 (46 U. S. C. 1174). If in the case of any particular foreign-trade route the Commission shall find after consultation with the Secretary of State, that the subsidy provided for in this title is in any respect inadequate to offset the effect of governmental aid paid to foreign competitors, it may grant such additional subsidy as it determines to be necessary for that purpose: Provided, That no such additional subsidy shall be granted except upon an affirmative vote of four of the members of the Commission. (June 23, 1938, sec. 21.)

# Vessels Excluded from Subsidy.

June 29, 1936, sec. 605 (46 U. S. C. 1175). (a) No operating-differential subsidy shall be paid for the operation of any vessel on a voyage on which it engages in coastwise or intercoastal trade: Provided, however, That such subsidy may be paid on a round-the-world voyage or a round voyage from the west coast of the United States to a European port or ports or a round voyage from the Atlantic coast to the Orient which includes intercoastal ports of the United States or a voyage in foreign trade on which the vessel may stop at an island possession or island territory of the United States, and if the subsidized vessel earns any gross revenue on the carriage of mail, passengers, or cargo by reason of such coastal or intercoastal

trade the subsidy payment for the entire voyage shall be reduced by an amount which bears the same ratio to the subsidy otherwise payable as such gross revenue bears to the gross revenue derived from the entire voyage. No vessel operating on the Great Lakes or on the inland waterways of the United States shall be considered for the purposes of this Act to be operating in foreign trade.

(b) No operating-differential subsidy shall be paid for the operation of a vessel that is more than twenty years of age unless the Commission finds that it is in the public interest to grant such financial aid for the operation of such vessel and enters a formal order thereon, and the Commission shall include in each annual report a full report covering each case in which such exception is made,

with the reasons therefor.

(c) No contract shall be made under this title with respect to a vessel to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services, unless the Commission shall determine after proper hearing of all parties that the service already provided by vessels of United States registry in such service route, or line is inadequate, and that in the accomplishment of the purposes and policy of this Act additional vessels should be operated thereon; and no contract shall be made with respect to a vessel operated or to be operated in a service, route, or line served by two or more citizens of the United States with vessels of United States registry, if the Commission shall determine the effect of such a contract would be to give undue advantage or be unduly prejudicial, as between citizens of the United States, in the operation of vessels in competitive services, routes, or lines, unless following public hearing, due notice of which shall be given to each line serving the route, the Commission shall find that it is necessary to enter into such contract in order to provide adequate service by vessels of United States registry. The Commission, in determining for the purposes of this section whether services are competitive, shall take into consideration the type, size, and speed of the vessels employed, whether passenger or cargo, or combination passenger and cargo, vessels, the ports or ranges between which they run, the character of cargo carried, and such other facts as it may deem proper.

Readjustments; Change in Service; Withdrawal From Service; Payment of Excess Profits; Wages, Etc.; American Materials.

June 29, 1936, sec. 606 (46 U. S. C. 1176). Every contract for an operating-differential subsidy under this title shall provide (1) that the amount of the future payments to the contractor shall be subject to review and readjustment from time to time, but not more frequently than once a year, at the instance of the Commission or of the contractor. If any such readjustment cannot be reached by mutual agreement, the Commission, on its own motion or on the application of the contractor, shall, after a proper hearing, determine the facts and make such readjustment in the amount of such future payments as it may determine to be fair and reasonable and in the public interest. The testimony in every such proceeding shall be reduced to writing and filed in the office of the Commission. Its decision shall be based upon and governed by the changes which may have occurred since the date of the said contract, with respect to the items thereto-

fore considered and on which such contract was based, and other conditions affecting shipping, and shall be promulgated in a formal order, which shall be accompanied by a report in writing in which the Commission shall state its findings of fact; (2) that the compensation to be paid under it shall be reduced, under such terms and in such amounts as the Commission shall determine, for any periods in which the vessel or vessels are laid up; (3) that if the Commission shall determine that a change in the service, route, or line, which is receiving an operating-differential subsidy under this title, is necessary in the accomplishment of the purposes of this Act, it may make such change upon such readjustment of payments to the contractor as shall be arrived at by the method prescribed in clause (1) of these conditions; (4) that if at any time the contractor receiving an operating-differential subsidy claims that he cannot maintain and operate his vessels on such service, route, or line, with a reasonable profit upon his investment, and applies to the Commission for a modification or rescission of his contract to maintain such service, route, or line, and the Commission determines that such claim is proved, the Commission shall modify or rescind such contract and permit the contractor to withdraw such vessels from such service, route, or line, upon a date fixed by the Commission, and upon the date of such withdrawal the further payment of the operatingdifferential subsidy shall cease and the contractor be discharged from any further obligation under such contracts; (5) that when at the end of any ten-year period during which an operating-differential subsidy has been paid, or when prior to the end of any such ten-year period the contract shall be terminated, if the net profit of the contractor on his subsidized vessels and services incident thereto during such period or time (without regard to capital gains and capital losses), after deduction of depreciation charges based upon a twentyyear life expectancy of the subsidized vessels, has averaged more than 10 per centum per annum upon the contractor's capital investment necessarily employed in the operation of the subsidized vessels, services, routes, and lines, the contractor shall pay to the United States an amount equal to one-half of such profits in excess of 10 per centum per annum as partial or complete reimbursement for operating-differential subsidy payments received by the contractor for such ten-year period, but the amount of excessive profit so recaptured shall not in any case exceed the amount of the operatingdifferential subsidy payments theretofore made to the contractor for such period under such contract and the repayment of such reimbursement to the Commission shall be subject to the provisions of section 607; (6) that the contractor shall conduct his operations with respect to the vessel's services, routes, and lines covered by his contract in the most economical and efficient manner, but with due regard to the wage and manning scales and working conditions prescribed by the Commission as provided in title III; and (7) that whenever practicable, the operator shall use only articles, materials, and supplies of the growth, production, and manufacture of the United States, as defined in section 505a herein, except when it is necessary to purchase supplies and equipment outside the United States to enable such vessel to continue and complete her voyage, and the operator shall perform repairs to subsidized vessels within the continental limits of the United States, except in an emergency. (June 23, 1938, sec. 22.)

Profits; Reserve Funds.

June 29, 1936, sec. 607 (46 U. S. C. 1177). (a) Every contract for an operating-differential subsidy made under authority of this title shall provide that the contractor shall be entitled to annually withdraw from net earnings of subsidized vessels and services incident thereto as profit, if the contractor is a natural person or a partnership, or may pay to its shareholders or stockholders, as dividends, if the contractor is an association or corporation, a sum not in excess of 10 per centum per annum on the contractor's capital necessarily employed in his business, except subject to the further provisions of this section which likewise shall be incorporated in such contract.

(b) To insure the prompt payment of the contractor's obligations to the United States and the replacement of the contractor's subsidized vessels as may be required, the contractor shall create and maintain, out of gross earnings, during the life of such contract, a "capital reserve fund," in such depository or depositories as may be approved by the Commission. In this fund the contractor shall deposit, annually or oftener, as the Commission may require, an amount equal to the annual depreciation charges on the contractor's vessels on which the operating-differential is being paid, such depreciation charges to be computed on a twenty-year life expectancy of the subsidized vessels: Provided, however, That if, during any accounting year, the annual depreciation charges on the contractor's line of subsidized vessels has not been earned, in whole or in part, over and above the annual expense of operation of such vessels (exclusive of said annual depreciation thereon), the contractor shall not be required to deposit in his capital reserve fund for such accounting year a sum in excess of the amount of annual depreciation actually earned during that year but shall make up any and all deficiencies in his capital reserve fund as soon as the earnings of his subsidized vessels in excess of annual expenses of operation shall permit. The proceeds of all insurance and indemnities received by the contractor on account of total loss of any subsidized vessel and the proceeds of any sale or other disposition of such vessel shall also be deposited in the capital reserve fund.

The contractor shall also deposit in the capital reserve fund, from time to time, such percentage of the annual net profits of the contractor's business covered by the contract as the Commission shall determine is necessary to further build up a fund for replacement of the contractor's subsidized ships; but the Commission shall not require the contractor to make such deposit of the contractor's net profits in the capital reserve fund unless the cumulative net profits of the contractor, at the time such deposit is to be made, shall be in excess of 10 per centum per annum from the date the contract was executed. From the capital reserve fund so created, the contractor may pay the principal, when due, on all notes secured by mortgage on the subsidized vessels and may make disbursements for the purchase of replacement vessels or reconstruction of vessels or additional vessels to be employed by the contractor on an essen-

tial foreign-trade line, route, or service approved by the Commission, but payments from the capital reserve fund shall not be made for any other purpose. The contractor may, with the consent of the Commission, pay from said fund any sums owing but not yet due on notes secured by mortgages on subsidized vessels.

(c) To attain the public objects for which the financial aid provided for in such contract is extended and to insure the continued maintenance and successful operation of the subsidized vessels, the contractor shall create and maintain, during the life of such contract, a "special reserve fund" in such depository or depositories as the

Commission shall approve.

If the profits, without regard to capital gains and capital losses, earned by the business of the subsidized vessels and services incident thereto exceed 10 per centum per annum and exceed the percentage of profits deposited in the capital reserve fund, as provided in subsection (b) of this section, the contractor shall deposit annually such excess profits in this reserve fund. From the special reserve fund the contractor may make the following disbursements and no others:

(1) Reimbursement to the contractor's general funds for any losses on the operation of the subsidized vessels and services incident thereto sustained subsequent to the execution of the operating-dif-

ferential-subsidy contract;

(2) Reimbursement to the contractor's general funds for current operating losses on completed voyages of subsidized vessels whenever the Commission shall determine it is improbable that such current losses will be made up by profits on other voyages during the

current year.

(3) Payment of amounts due from the contractor to the Commission for reimbursement as provided in clause 5 of section 606, but such reimbursement shall be deferred until the amount on deposit in the special reserve fund shall be sufficiently in excess of 5 per centum of the capital necessarily employed in the business so that payment of such reimbursement to the Commission will not reduce the special reserve fund below a sum equal to such 5 per centum of capital necessarily employed in the business: Provided, That such reimbursement to the Commission, if so deferred, shall be payable upon termination of the contract from any amounts then in the special reserve fund and the capital reserve fund; Provided further, That if any amounts shall have been transferred to the general funds of the contractor from either of such reserve funds and not repaid thereto, or if prepayments of amounts not due before one year after the date of termination of the contract have been made from the capital reserve fund pursuant to subsection (b) of this section, then the balance of such reimbursement not paid out of said reserve funds shall be payable out of any other assets of the contractor, but the amounts so payable from such assets shall not exceed in the aggregate the sum of the amounts so transferred and not repaid, and the amounts of such prepayments;

(4) After reimbursement to the contractor's general funds of all operating losses has been made, as provided in clause 1, and after reimbursement to the Commission of all amounts due from the con-

tractor, as determined under clause 5 of section 606, if the amount accumulated in the special reserve fund shall then be in excess of 5 per centum of the capital necessarily employed in the business, the contractor may, if the Commission approves, withdraw some or all of such excess reserve and pay the sum so withdrawn into the contractor's general funds or distribute the sum so withdrawn as a special dividend to the contractor's shareholders or stockholders or as a bonus to officers or employees, as the contractor may determine.

(d) The Commission shall adopt and prescribe rules and regulations for the administration of the reserve funds contemplated by this section and shall include therein a definition of the term "net earnings" and the term "capital necessarily employed in the business", as such terms are employed in this section: *Provided*, *however*, That the term "net earnings" shall take into account as a proper accounting charge to operation of vessels expense, an annual depreciation charge on the vessels, computed on the economic life of the vessel being twenty years and the term "capital necessarily employed in the business" shall not include borrowed capital.

Upon application of the contractor, the Commission, in its discretion, may permit the investment by the operator of some or all of the contractor's capital and special reserve fund in approved interest-bearing securities, approved by the Commission, upon condition that the interest on such securities shall be deposited in the capital reserve fund

(e) If, during any accounting year, the contractor's general funds have become seriously depleted due to operating losses on the subsidized vessels and the special reserve fund has been exhausted, the Commission may, in its discretion, permit the contractor temporarily to withdraw from his capital reserve fund such excess therein on deposit over and above the amount necessary to pay the principal amount currently due or about to become due on the contractor's mortgage obligation on the subsidized vessels: *Provided*, *however*, That the sum so withdrawn shall be repaid to the capital reserve fund as soon as the contractor's financial condition shall permit.

(f) Unless otherwise provided in the operating-differential subsidy contract, upon the termination of any such contract, the reserve funds required under this Act shall be the property of the contractor, except for such amounts as may be due the United States.

(g) With the approval of the Commission, the contractor may voluntarily increase the amount of either or both reserve funds by depositing in such fund or funds any or all of the earnings otherwise available for distribution to stockholders, or may transfer funds from the special reserve funds to the capital reserve fund.

(h) The earnings of any contractor receiving an operating-differential subsidy under authority of this Act, which are deposited in the contractor's reserve funds as provided in this section, except earnings withdrawn from the special reserve funds and paid into the contractor's general funds or distributed as dividends or bonuses as provided in paragraph 4 of subsection (c) of this section, shall be exempt from all Federal taxes. Earnings withdrawn from such special reserve fund shall be taxable as if earned during the year of withdrawal from such fund. (June 23, 1938, secs. 23-28.)

Sale or Assignment of Contract; Consent of Commission; Purchaser Subject to Terms of Contract; Rescinding Contract of Transfer Without Consent.

June 29, 1936, sec. 608 (46 U. S. C. 1178). No contract executed under this title or any interest therein shall be sold, assigned, or transferred, either directly or indirectly, or through any reorganization, merger, or consolidation, nor shall any agreement or arrangement be made by the holder whereby the maintenance, management, or operation of the service, route, line, vessel, or vessels is to be performed by any other person, without the written consent of the Commission. If it consents to such agreement or arrangement, the agreement or arrangement shall make provision whereby the person undertaking such maintenance, management, or operation agrees to be bound by all of the provisions of the contract and of this Act applicable thereto, and the rules and regulations prescribed pursuant to this Act. If the holder of any such contract shall voluntarily sell such contract or any interest therein, or make such assignment, transfer, agreement, or arrangement whereby the maintenance, management, or operation of the service, route, line, vessel, or vessels is to be performed by any other person, without the consent of the Commission, or if the operation of the service, route, line, or vessel, shall pass out of the direct control of the holder of such contract by reason of any voluntary or involuntary receivership or bankruptcy proceedings, the Commission shall have the right to modify or rescind such contract, without further liability thereon by the United States, and is hereby vested with exclusive jurisdiction to determine the purposes for which any payments made by it under such contract shall be expended.

### Withholding Payment to Defaulting Contractor.

June 29, 1936, sec. 609 (46 U. S. C. 1179). The Commission shall withhold the payment of operating-differential subsidy while any contractor therefor is in default in any payments due on account of construction-loan, ship-sales mortgage notes, or any other obligation due the United States, and shall apply the amount so withheld to the satisfaction of such debt. (June 23, 1938, sec. 29.)

# Vessels Eligible to Subsidy.

June 29, 1936, sec. 610 (46 U.S. C. 1180). An operating-differential subsidy shall not be paid under authority of this title on account of the operation of any vessel which does not meet the following requirements: (1) The vessel shall be of steel or other acceptable metal, shall be propelled by steam or motor, shall be as nearly fireproof as practicable, shall be built in a domestic yard or shall have been documented under the laws of the United States not later than February 1, 1928, or actually ordered and under construction for the account of citizens of the United States prior to such date, and shall be documented under the laws of the United States, during the entire life of the subsidy contract; and (2) if the vessel shall be constructed after the passage of this Act it shall be either a vessel constructed according to plans and specifications approved by the Commission and the Secretary of the Navy, with particular reference to economical conversion into an auxiliary naval vessel, or a vessel approved by the Commission and the Navy Department as otherwise useful to the United States in time of national emergency.

Transfer of Vessels to Foreign Registry on Default of United States.

June 29, 1936, sec. 611 (46 U. S. C. 1181). (a) The contractor, upon compliance with the provisions of this section, may transfer to foreign registry the vessels covered by any operation-differential subsidy contract held by him, in the event that the United States defaults upon such contract or cancels it without just cause. Any contractor desiring to transfer any such vessel to foreign registry upon such default or cancelation shall file an application in writing with the Commission setting forth its contentions with respect to the lack of just cause or lawful grounds for such default or cancelation. The Commission shall afford the contractor an opportunity for a hearing within twenty days after such contractor files written application therefor, and after the testimony, if any, in such hearing has been reduced to writing and filed with the Commission, it shall, within a reasonable time, grant or deny the application by order.

(b) If any such application is denied, the contractor may obtain a review of the order of denial in the United States Court of Appeals for the District of Columbia, by filing in such court, within twenty days after the entry of such order, a written petition praying that the order of the Commission be set aside. A copy of such petition shall be forthwith served upon any member of the Commission, or upon any officer thereof designated by the Commission for that purpose, and thereupon the Commission shall certify and file in the court a transcript of the record upon which the order complained of was entered. Upon the filing of such transcript such court shall have exclusive jurisdiction to determine whether such cancelation or default was without just causse, and to affirm or set aside such order. The judgment and decree of the court affirming or setting aside any such order of the Commission shall be final.

(c) No transfer of vessels to foreign registry under this section shall become effective until any indebtedness to the Government or to any citizen of the United States, secured by such vessels, has been paid or discharged, and until after the expiration of ninety days from the date of final determination of the application or the appeal, if any. Within such ninety-day period the Commission may (1) with the consent of the contractor purchase the vessels at cost to the contractor plus cost of capital improvements thereon, less 5 per centum annual depreciation upon such vessel, and the actual depreciated costs of capital improvements thereon, or (2) reinstate the contract and adjust or settle the default found by the Commis-

sion on the court to exist. (June 23, 1938, sec. 30.)

Subordination of Commission's Interest to Reconstruction Finance Corporation.

June 29, 1936, sec. 612 (46 U. S. C. 1182). The Commission is authorized to subordinate its interest as mortgagee in any vessel subsidized under the provisions of this title in favor of any loan for working capital made by the Reconstruction Finance Corporation under the Reconstruction Finance Corporation Act, as amended, if the Commission finds that the making of such loan by the Reconstruction Finance Corporation would be in furtherance of the policies of this Act or would, in its opinion, preserve or protect its mortgage interest in said subsidized vessel: Provided, That the obligations

evidencing such loans by the Reconstruction Finance Corporation shall not be transferred, except to some other governmental agency. (June 23, 1938, sec. 30.)

Additional Powers of Commission for Completion of Program.

JUNE 29, 1936, sec. 701 (46 U. S. C. 1191). Whenever the Commission shall find and determine, and such finding and determination shall be approved by the President of the United States, that national policy declared in section 101 of this Act, and the objectives set forth in section 210 of this Act, cannot be fully realized within a reasonable time, in whole or in part, under the provisions of titles V and VI, the Commission is hereby authorized and directed to complete its long-range program previously adopted as hereinafter provided in this title.

Construction of Reconditioning of Vessels by Commission.

June 29, 1936, sec. 702 (46 U. S. C. 1192). The Commission is authorized to have constructed in domestic yards, on the Atlantic and Gulf and Pacific coasts such new vessels as it shall determine may be required to carry out the objects of this Act, and to have old vessels reconditioned or remodeled in such yards: Provided, That if satisfactory contracts for such new construction or reconstruction, in accordance with the provisions of this Act, cannot be obtained from private shipbuilders, the Commission is authorized to have such vessels constructed, reconditioned, or remodeled in United States navy yards.

Competitive Bidding; Opening Bids.

June 29, 1936, sec. 703 (46 U. S. C. 1193). (a) No contract for the building of a new vessel, or for the reconditioning or reconstruction of any other vessel, shall be made by the Commission with any private shipbuilder, except after due advertisement and upon sealed competitive bids.

(b) All contracts for the construction, reconditioning, or reconstruction of a vessel or vesesls by a private shipbuilder under authority of this title shall be subject to all the provisions and requirements prescribed in title V of this Act with respect to contracts with a private shipbuilder for the construction of vessels under authority

of that title.

(c) All bids required by the Commission for the construction, reconstruction, or reconditioning of vessels, and for the chartering of the Commission's vessels hereinafter provided for, shall be opened at the time, hour, and place stated in the advertisement for bids, and all interested persons, including representatives of the press, shall be permitted to attend, and the results of such bidding shall be publicly announced.

Charter or Sale of Vessels Acquired by Commission.

June 29, 1936, sec. 704 (46 U. S. C. 1194). All vessels transferred to or otherwise acquired by the Commission in any manner may be chartered or sold by the Commission pursuant to the further provisions of this Act. All vessels transferred to the Commission by this Act and now being operated by private operators on lines in foreign commerce of the United States shall be temporarily operated by the Commission for its account by private operators until such

time and upon such operating agreements as the Commission may deem advantageous, but the Commission shall arrange as soon as practicable to offer all such lines of vessels for charter as hereinafter provided, preference to be given to present operators, and all operation of the Commission's vessels by private operators under such operating agreements shall be discontinued within one year after the passage of this Act: *Provided*, That nothing herein contained shall prevent private operators, under such operating agreements, commencing voyages prior to said expiration date and completing them thereafter: *Provided further*, That nothing contained herein shall be construed as limiting or affecting the power of sale under provisions of section 705 of this Act. (*April 1*, 1937).

Employment of Vessels on Foreign Trade Routes; Selection of Routes; Encouraging Private Operation by Sale or Charter.

June 29, 1936, sec. 705 (46 U. S. C. 1195). As soon as practicable after the passage of this Act, and continuing thereafter, the Commission shall arrange for the employment of its vessels in steamship lines on such trade routes, exclusively serving the foreign trade of the United States, as the Commission shall determine are necessary and essential for the development and maintenance of the commerce of the United States and the national defense: Provided, That such needs are not being adequately served by existing steamship lines privately owned and operated by citizens of the United States and documented under the laws of the United States. It shall be the policy of the Commission to encourage private operation of each essential steamship line now owned by the United States by selling such lines to citizens of the United States in the manner provided in section 7 of the Merchant Marine Act, 1920, and in strict accordance with the provisions of section 5 of said Act, or by demising its vessels on bare-boat charter to citizens of the United States who shall agree to maintain such line or lines in the manner hereinafter provided.

No vessel constructed under the provisions of this Act, as amended, shall be sold by the Commission for operation in the foreign trade for a sum less than the estimated foreign construction cost exclusive of national defense features (determined as of the date the construction contract therefor is executed) less depreciation based on a twenty-year life, nor shall any such vessel be sold by the Commission for operation in the domestic trade for a sum less than the cost of construction in the United States exclusive of national defense

features less depreciation based on a twenty-year life.

Advertising for Bids for Charters; Rejection of Bids.

June 29, 1936, sec. 706 (46 U. S. C. 1196). (a) The Commission shall not charter its vessels to private operators except upon competitive sealed bids submitted in strict compliance with all the terms and conditions of a public advertisement soliciting such bids. Each and every advertisement for bids to charter the Commission's vessels shall state the number, type, and tonnage of the vessels the Commission is offering for bare-boat charter for operation as a steamship line on a designated trade route, the minimum number of sailings that will be required, the length of time for which the charter will be given, and all other information the Commission shall deem necessary for the information of prospective bidders.

(b) The Commission shall have authority to, and shall announce in its advertisements for bids that the Commission reserves the right to, reject any and all bids submitted. The Commission shall reject any bid for the charter (under sections 701 to 713, both inclusive, of this title, as amended) of any vessel constructed under the provisions of this Act, as amended, if the charter hire offered by the bidder is lower than the minimum charter hire for such vessel would be if chartered under the provisions of section 714, as amended, of this title.

### Awarding Charter on Bids.

June 29, 1936, sec. 707 (46 U. S. C. 1197). (a) The Commission shall award the charter to the bidder proposing to pay the highest monthly charter hire unless the Commission shall reject such bid for

the reasons set forth in subsection (b) of this section.

(b) The Commission may reject the highest or most advantageous or any other bid, if, in the Commission's discretion, the charter hire offered is deemed too low, or the Commission determines that the bidder lacks sufficient capital, credit, or experience to operate successfully the line; but the reason or reasons for rejection of any bid, upon request of the bidder, shall be stated to such bidder in writing.

(c) If the highest bid is rejected, the Commission may award the charter to the next highest bidder, or may reject all bids and readvertise the line: *Provided*, *however*, That the Commission may operate the line until conditions appear to be more favorable for a re-

offering of the line for private charter.

### Payment of Subsidies to Charterers.

June 29, 1936, sec. 708 (46 U. S. C. 1198). The Commission may, if in its discretion financial aid is deemed necessary, enter into a contract with any charterer of its vessels for payment to such charterer of an operating-differential subsidy upon the same terms and conditions and subject to the same limitations and restrictions, where applicable, as are elsewhere provided in this Act with respect to payments of such subsidies to operators of privately owned vessels. (June 23, 1938, sec. 31.)

Excess Profit; Payment to Commission; Formula for Determining Profit.

June 29, 1936, sec. 709 (46 U. S. C. 1199). (a) Every charter made by the Commission pursuant to the provisions of this title shall provide that whenever, at the end of any calendar year subsequent to the execution of such charter, the cumulative net voyage profits (after payment of the charter hire reserved in the charter and payment of the charterer's fair and reasonable overhead expenses applicable to operation of the chartered vessels) shall exceed 10 per centum per annum on the charterer's capital necessarily employed in the business of such chartered vessels, the charterer shall pay over to the Commission, as additional charter hire, one-half of such cumulative net voyage profit in excess of 10 per centum per annum: Provided. That the cumulative net profit so accounted for shall not be included in any

calculation of cumulative net profit in subsequent years.

(b) Every charter shall contain a definition of the terms "net voyage profit" and "fair and reasonable overhead expenses", and "capital necessarily employed", as said terms are used in subsection (a) of this section, setting forth the formula for determining such profit and overhead expense and capital necessarily employed, which definitions

shall have been previously approved by the Commission and published in the advertisement for bids for such charter.

Undertaking Required of Charterer.

June 29, 1936, sec. 710 (46 U.S. C. 1200). Every charterer of the Commission's vessels shall be required to deposit with the Commission an undertaking with approved sureties as security for the faithful performance of all of the conditions of the charter, including indemnity against liens on the chartered vessels, in such amount as the Commission shall require.

Terms and Conditions of Charters.

June 29, 1936, sec. 711 (46 U. S. C. 1201). The charters to be made by the Commission pursuant to the provisions of this title shall demise the vessels to the charterer subject to all usual conditions contained in bare-boat charters, and until January 1, 1940, shall be for terms of three years or less as the Commission may decide: Provided, That after January 1, 1940, charters may be executed by the Commission for such terms as the experience gained by the Commission shall indicate are to the best interests of the United States and the merchant marine.

Insurance Requirements; Repairs; Inspection by Commission; Termination of Charter in National Emergency.

June 29, 1936, sec. 712 (46 U. S. C. 1202). Every charter shall

provide-

(a) That the charterer shall carry on the chartered vessels, at his own expense, policies of insurance covering all marine and port risks, protection and indemnity risks, and all other hazards and liabilities, in such amounts, in such form, and in such insurance companies as the Commission shall require and approve, adequate to cover all damages claimed against and losses sustained by the chartered vessels arising during the life of the charter: *Provided*, That in accordance with existing law, some or all of such insurance risks may be underwritten by the Commission itself as in its discretion it may determine.

(b) That the charterer shall at its own expense keep the chartered vessel in good state of repair and in efficient operating condition and shall at its own expense make any and all repairs as may be required

by the Commission.

(c) That the Commission shall have the right to inspect the vessel

at any and all times to ascertain its condition.

(d) That whenever the President shall proclaim that the security of the national defense makes it advisable, or during any national emergency declared by proclamation of the President, the Commission may terminate the charter without cost to the United States, upon such notice to the charterers as the President shall determine.

Financial Resources and Other Factors Considered in Awarding Charters.

June 29, 1936, sec. 713 (46 U. S. C. 1203). In the awarding of charters, the Commission shall take in consideration the charterer's financial resources and credit standing, practical experience in the operation of vessels, and any other factors that would be considered by a prudent businessman in entering into a transaction involving a large investment of his capital; and the Commission is directed to refrain from chartering its vessels to any person appearing to lack

sufficient capital, credit, and experience to operate successfully the vessel over the period covered by the charter.

Construction of Vessels and Chartering for Unsuccessful Routes Under Other Provisions.

June 29, 1936, sec. 714 (46 U.S. C. 1204). If the Commission shall find that any trade route (determined by the Commission to be an essential trade route as provided in section 211 of this Act) cannot be successfully developed and maintained and the Commission's replacement program cannot be achieved under private operation of such trade route by a citizen of the United States with vessels registered under the laws thereof, without further Government aid in addition to the financial aids authorized under titles V and VI of this Act, the Commission is authorized to have constructed, in private shipyards or in navy yards, the vessel or vessels of the types deemed necessary for such trade route, and to demise such new vessel or vessels on bare-boat charter to the American-flag operator established on such trade route, without advertisement or competition, upon an annual charter hire of not less than 5 per centum of the price (herein referred to as the "foreign cost") at which such vessel or vessels would be sold if constructed under title V plus 31/2 per centum of the depreciated foreign cost computed annually upon the basis of a twenty-year life of the vessel. Such charter may contain an option to the charterer to purchase such vessel or vessels from the Commission within five years after delivery thereof under the charter, upon the same terms and conditions as are provided in title V for the purchase of new vessels from the Commission, except that (a) the purchase price shall be the foreign cost less depreciation to the date of purchase based upon a twentyyear life; (b) the required cash payment payable at the time of such purchase shall be 25 per centum of the purchase price as so determined; (c) the charter may provide that all or any part of the charter hire paid in excess of the minimum charter hire provided for in this section may be credited against the cash payment payable at the time of such purchase; (d) the balance of the purchase price shall be paid within the years remaining of the twenty years after the date of delivery of the vessel under the charter and in approximately equal annual installments, except that the first of said installments, which shall be payable upon the next ensuing anniversary date of such delivery under the charter, shall be a proportionate part of the annual installment, interest to be payable upon the unpaid balances of 3½ per centum per annum from the date of purchase.

Such charter shall provide for operation of the vessel exclusively in foreign trade, or on a round-the-world voyage, or on a round voyage from the west coast of the United States to a European port or ports which includes intercoastal ports of the United States, or a round voyage from the Atlantic coast of the United States to the Orient which includes intercoastal ports of the United States, or on a voyage in foreign trade on which the vessel may stop at an island possession or island Territory of the United States, and if the vessel is operated in the domestic trade on any of the above-enumerated services the charterer will pay annually to the Commission that proportion of one-twentieth of the difference between the domestic and foreign cost of such vessel as the gross revenue derived

from the domestic trade bears to the gross revenue derived from the entire voyages completed during the preceding year. (June 23, 1938, sec. 32.)

Accounting Methods; Examination of Accounts.

June 29, 1936, sec. 801 (46 U.S. C. 1211). Every contract executed by the Commission under the provision of titles VI or VII of this Act shall contain provisions requiring (1) that the contractor and every affiliate, domestic agent, subsidiary, or holding company connected with, or directly or indirectly controlling or controlled by, the contractor, to keep its books, records, and accounts, relating to the maintenance, operation, and servicing of the vessels, services, routes, and lines covered by the contract, in such form and under such regulations as may be prescribed by the Commission: *Provided*, That the provisions of this paragraph shall not require the duplication of books, records, and accounts required to be kept in some other form by the Interstate Commerce Commission; (2) that the contractor and every affiliate, domestic agent, subsidiary, or holding company connected with, or directly or indirectly controlling or controlled by, the contractor, to file, upon notice from the Commission, balance sheets, profit and loss statements, and such other statements of financial operations, special report, memoranda of any facts and transactions, which in the opinion of the Commission affect the financial results in, the performance of, or transactions or operations under, such contract; (3) that the Commission shall be authorized to examine and audit the books, records, and accounts of all persons referred to in this section whenever it may deem it necessary or desirable; and (4) that upon the willful failure or refusal of any person described in this section to comply with the contract provisions required by this section, the Commission shall have the right to rescind the contract, and upon such rescission the United States shall be relieved of all further liability on such contract.

Purchase or Requisition of Vessels by United States; Amount of Payment.

June 29, 1936, sec. 802 (46 U. S. C. 1212). Every contract executed by the Commission under authority of title V of this Act shall

provide that-

In the event the United States shall, through purchase or requisition, acquire ownership of the vessel or vessels on which a construction-differential subsidy was paid, the owner shall be paid therefor the value thereof, but in no event shall such payment exceed the actual depreciated construction cost thereof (together with the actual depreciated cost of capital improvements thereon, but excluding the cost of national-defense features) less the depreciated amount of construction-differential subsidy theretofore paid incident to the construction or reconditioning of such vessel or vessels, or the fair and reasonable scrap value of such vessel as determined by the Commission, whichever is the greater. Such determination shall be final. In computing the depreciated value of such vessel, depreciation shall be computed on each vessel on the schedule adopted by the Bureau of Internal Revenue for income-tax purposes.

The foregoing provision respecting the requisition or the acquisition of ownership by the United States shall run with the title to such vessel or vessels and be binding on all owners thereof. (June 23,

1938, sec. 33.)

Pecuniary Interest of Contractor in Subsidiary Companies Forbidden.

June 29, 1936, sec. 803 (46 U.S. C. 1221). It shall be unlawful for any contractor receiving an operating-differential subsidy under title VI or for any charter under title VII of this Act to employ any person or concern performing or supplying stevedoring, ship-repair, ship-chandler, towboat, or kindred services to supply such services to the operator's subsidized or chartered vessels if such contractor, or any subsidiary company, holding company, affiliate company, or associate company of such contractor, or any officer, director, or employee of such contractor, or any member of the immediate family of any such contractor, officer, director, or employee, or any member of the immediate family of any officer, director, or employee, of such subsidiary company, holding company, affiliate company, or associate company of such contractor, owns any pecuniary interest directly or indirectly in the person or concern supplying such services to the contractor's subsidized or chartered vessels or receives any payment or other thing of value directly or indirectly as a result of such employment or services, except that the Commission, by a vote of four members (except as provided in section 201 (a)) may grant an exemption in writing from the provisions of this section, upon such terms and conditions and for such specific period of time as the Commission deems necessary or appropriate to carry out the policy of this Act, in any case where-

(a) The Commission finds that the enforcement of such provisions is not necessary to safeguard the economical and fair application of subsidies paid the contractor under this Act, and that such exemption will promote economy or efficiency of service by the merchant marine;

and

(b) The person performing the services or supplying the facilities agrees to account for and pay over to the contractor any and all profits resulting from performing such services or supplying such facilities. (June 23, 1938, sec. 34.)

Operating Competing Foreign-Flag Vessel Forbidden.

June 29, 1936, sec. 804 (46 U. S. C. 1222). It shall be unlawful for any contractor receiving an operating-differential subsidy under title VI or for any charterer of vessels under title VII of this Act, or any holding company, subsidiary, affiliate, or associate of such contractor or such charterer, or any officer, director, agent, or executive thereof, directly or indirectly, to own, charter, act as agent or broker for, or operate any foreign-flag vessel which competes with any American-flag service determined by the Commission to be essential as provided in section 211 of this Act: Provided, however, That under special circumstances and for good cause shown the Commission may, in its discretion, waive the provisions of this section as to any contractor, for a specific period of time, by affirmative vote of four of its members, except as otherwise provided in section 201 (a). (June 23, 1938, sec. 35.)

Forbidden Practices Relating to Coastwise Service, Salaries, Officers and Employees.

JUNE 29, 1936, sec. 805 (46 U.S. C. 1223). (a) It shall be unlawful to award or pay any subsidy to any contractor under authority of title

VI of this Act, or to charter any vessel to any person under title VII of this Act, if said contractor or charterer, or any holding company, subsidiary, affiliate, or associate of such contractor or charterer, or any officer, director, agent, or executive thereof, directly or indirectly, shall own, operate, or charter any vessel or vessels engaged in the domestic intercoastal or coastwise service, or own any pecuniary interest, directly or indirectly, in any person or concern that owns, charters, or operates any vessel or vessels in the domestic intercoastal or coastwise service, without the written permission of the Commis-Every person, firm, or corporation having any interest in such application shall be permitted to intervene and the Commission shall give a hearing to the applicant and the intervenors. The Commission shall not grant any such application if the Commission finds it will result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service or that it would be prejudicial to the objects and policy of this Act: Provided, That if such contractor or other person above-described or a predecessor in interest was in bona-fide operation as a common carrier by water in the domestic, intercoastal, or coastwise trade in 1935 over the route or routes or in the trade or trades for which application is made and has so operated since that time or if engaged in furnishing seasonal service only, was in bona-fide operation in 1935 during the season ordinarily covered by its operation, except in either event, as to interruptions of service over which the applicant or its predecessor in interest had no control, the Commission shall grant such permission without requiring further proof that public interest and convenience will be served by such operation, and without further proceedings as to the competition in such route or trade.

If such application be allowed, it shall be unlawful for any of the persons mentioned in this section to divert, directly or indirectly, any moneys, property, or other thing of value, used in foreign-trade operations, for which a subsidy is paid by the United States, into any such coastwise or intercoastal operations; and whosoever shall violate this

provision shall be guilty of a misdemeanor.

(b) Whenever any contractor under title VI or title VII receiving an operating-differential subsidy is in default with respect to any mortgage, note, purchase, contract, or other obligation to the Commission, or has not maintained, in a manner satisfactory to the Commission, all of the reserves provided for in this Act, the Commission shall have the right to supervise the number and compensation of all officers and

employees of the contractor.

(c) No director, officer, or employee (which terms shall be construed in the broadest sense to include, but not to be limited to, managing trustee or other administrative agent) shall receive from any contractor, holding a contract authorized by title VI or title VII of this act and its affiliate, subsidiary, associate, directly or indirectly, wages, salary, allowances of compensation in any form for personal services which will result in such person's receiving a total compensation for his personal services from such sources exceeding in amount or value \$25,000 per annum, and no such person or concern shall be qualified to receive or thereafter to hold any contract under this part, if such person or concern, its subsidiary, affiliate, or associate pays or causes to be paid, directly or indirectly, wages, salary, allowances, or

compensation in any form for personal services which result in such person's receiving a total compensation for his personal services from

such sources exceeding in amount or value \$25,000 per annum.

(d) It shall be unlawful, without express written consent of the Commission, for any contractor holding a contract authorized under title VI or VII of this Act to employ any other person or concern as the managing or operating agent of such operator, or to charter any vessel, on which an operating-differential subsidy is to be paid, for operation by another person or concern, and if such charter is made, the person or concern operating the chartered vessel or vessels shall be subject to all the terms and provisions of this Act, including limitations of profits and salaries. No contractor shall receive an operating-differential subsidy for the operation of any chartered vessel save and except during a period of actual emergency determined by the Commission, or except as provided in section 708.

(e) It shall be unlawful for any contractor or charterer who holds any contract made under authority of any provision in this Act to employ any Member of Congress, either with or without compensa-

tion, as an attorney, agent, officer, or director of such person.

(f) Any willful violation of any provision of this section shall constitute a breach of the contract or charter in force under this Act, and upon determining that such a violation has occurred the Commission may forthwith declare such contract or charter rescinded and any person willfully violating the provisions of this section shall be guilty of a misdemeanor. (June 23, 1938, secs. 36, 37.)

Collusion With Respect to Bidding; Fines and Penalties; Conviction as Rendering Persons Ineligible to Receive Benefits of Law.

June 29, 1936, sec. 806 (46 U.S. C. 1224, 1228). (a) Whoever shall consult with, or enter into an agreement with, or inform any other bidder, or officer, director, executive, agent, or employee of any such other bidder, as to the amount, the terms, or the conditions of any bid submitted to the Commission prior to the public opening of such bids, or enter into any combination, understanding, agreement, or arrangement whatsoever, to prevent the making of any bona-fide bid for any contract or charter under this Act, to induce any other person not to bid for any such contract or charter, or to deprive the United States in any way of the benefit of full, free, and secret competition in the awarding of any such contract or charter shall be guilty of a misdemeanor: Provided, That this section shall also apply to bidding for contracts under the provisions of section 504 of this Act.

(b) Whenever any natural person is found guilty in any district court of the United States of any act or acts declared in this Act to constitute a misdemeanor, he shall be punished by a fine of not more than \$10,000, or by imprisonment for not less than one year or more than five years, or by both fine and imprisonment. Whenever any corporation is found guilty of any act or acts declared in this Act to be unlawful, such corporation shall be punished by a fine of not

more than \$25,000.

(c) In addition to the punishment prescribed in subsection (a) of this section, any person or corporation convicted of a misdemeanor under the provisions of this Act shall be ineligible, at the discretion of the Commission, to receive any benefits under titles V and VI of

this Act, or to receive a charter under title VII of this Act, for a

period of five years after conviction.

(d) Whoever knowingly and willfully violates any order, rule, or regulation of the United States Maritime Commission made or issued in the exercise of the powers, duties, or functions transferred to it or vested in it by this Act, as amended, for which no penalty is otherwise expressly provided, shall upon conviction thereof be subject to a fine of not more than \$500. If such violation is a continuing one, each day of such violation shall constitute a separate offense.

Regulation of Lobbying.

June 29, 1936, sec. 807 (46 U.S.C. 1225). It shall be unlawful for any person employed or retained by any shipbuilder or ship operator holding or applying for a contract under the provisions of this Act, or employed or retained by any subsidiary, affiliate, associate, or holding company of such shipbuilder or ship operator, to present, advocate, or oppose any matter within the scope of the Shipping Act, 1916, as amended, the Merchant Marine Act, 1920, as amended, the Merchant Marine Act, 1928, as amended, the Intercoastal Shipping Act, 1933, or this Act, before the Congress or any committee thereof, or before the Commission, unless such shipbuilder or ship operator shall have previously filed with the Commission in such form and detail as the Commission shall by rules and regulations or order prescribe as necessary or appropriate in the public interest, a statement of the subject matter in respect of which such person is retained or employed, the nature and character of such retainer or employment, and the amount of compensation received or to be received by such person, directly or indirectly, in connection therewith. It shall be the duty of every such person so employed or retained to file with the Commission within thirty days after the close of each calendar month during such retainer or employment, in such form and detail as the Commission shall by rules and regulations or order prescribe as necessary or appropriate in the public interest, a statement of the expenses incurred and the compensation received by such person during such month in connection with such Whosoever shall violate this provision shall retainer or employment. be guilty of a misdemeanor. (June 23, 1938, sec. 38.)

Cargo Discrimination.

June 29, 1936, sec. 808 (46 U.S.C. 1226). It shall be unlawful for any contractor receiving an operating-differential subsidy under title VI or for any charterer under title VII of this Act unjustly to discriminate in any manner so as to give preference directly or indirectly in respect to cargo in which such contractor or charterer has a direct or indirect ownership, or purchase or vending interest; and whosoever shall violate this provision shall be guilty of a misdemeanor.

Contracts Designed Equitably for all Ports; Preference to Citizens of United States.

June 29, 1936, sec. 809 (46 U.S.C. 1213). Contracts under this Act shall be entered into so as to equitably serve, insofar as possible, the foreign-trade requirements of the Atlantic, Gulf, and Pacific ports of the United States. In awarding contracts under this Act,

preference shall be given to persons who are citizens of the United States and who have the support, financial and otherwise, of the domestic communities primarily interested.

Discriminatory and Unfair Practices.

June 29, 1936, sec. 810 (46 U.S.C. 1227). It shall be unlawful for any contractor receiving an operating-differential subsidy under title VI or for any charterer of vessels under title VII of this Act, to continue as a party to or to conform to any agreements with another carrier or carriers by water, or to engage in any practice in concert with another carrier or carriers by water, which is unjustly discriminatory or unfair to any other citizen of the United States who operates a common carrier by water exclusively employing vessels registered under the laws of the United States on any established trade route from and to a United States port or ports.

No payment or subsidy of any kind shall be paid directly or indirectly out of funds of the United States or any agency of the United States to any contractor or charterer who shall violate this section. Any person who shall be injured in his business or property by reason of anything forbidden by this section may sue therefor in any district court of the United States in which the defendant resides or is found or has an agent, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and

the cost of suit, including a reasonable attorney's fee.

#### Travel by Government Officials.

June 29, 1936, sec. 901 (46 U.S. C. 1241). Any officer or employee of the United States traveling on official business overseas, or to or from any of the possessions of the United States shall travel and transport his personal effects on ships registered under the laws of the United States where such ships are available unless the necessity of his mission requires the use of a ship under a foreign flag: Provided, That the Comptroller General of the United States shall not credit any allowance for travel or shipping expenses incurred on a foreign ship in the absence of satisfactory proof of the necessity therefor.

Requisition of Vessels in Time of Emergency; Payments.

June 29, 1936, sec. 902 (46 U. S. C. 1242). (a) Whenever the President shall proclaim that the security of the national defense makes it advisable or during any national emergency declared by proclamation of the President, it shall be lawful for the Commission to requisition or purchase any vessel or other watercraft owned by citizens of the United States, or under construction within the United States, or for any period during such emergency, to requisition or charter the use of any such property. The termination of any emergency so declared shall be announced by a further proclamation by the President. When any such property or the use thereof is so requisitioned, the owner thereof shall be paid just compensation for the property taken or for the use of such property, but in no case shall the value of the property taken or used be deemed enhanced by the causes necessitating the taking or use. If any property is taken and used under authority of this section, but the ownership thereof is not required by the United States, such property shall

be restored to the owner in a condition at least as good as when taken, less ordinary wear and tear, or the owner shall be paid an amount for reconditioning sufficient to place the property in such condition. The owner shall not be paid for any consequential damages arising from a taking or use of property under authority of this section.

(b) When any vessel is taken or used under authority of this section, upon which vessel a construction-differential subsidy has been allowed and paid, the value of the vessel at the time of its taking shall be determined as provided in section 802 of this Act, and in determining the value of any vessel taken or used, on which a construction-differential subsidy has not been paid, the value of any national defense features previously paid for by the United States

shall be excluded.

(c) If any property is taken and used under authority of this section, but the ownership thereof is not required by the United States, the Commission at the time of the taking or as soon thereafter as the exigencies of the situation may permit, shall transmit to the person entitled to the possession of such property a charter setting forth the terms which, in the Commission's judgment, should govern the relations between the United States and such person and a statement of the rate of hire which, in the Commission's judgment, will be just compensation for the use of such property and for the services required under the terms of such charter. If such person does not execute and deliver such charter and accept such rate of hire, the Commission shall pay to such person on account of just compensation a sum equal to 75 per centum of such rate of hire as the same may from time to time be due under the terms of the charter so tendered, and such person shall be entitled to sue the United States to recover such further sum as added to such 75 percentum will make up such amount as will be just compensation for the use of the property and for the services required in connection with such use. In the event of loss or damage to such property, due to operation of a risk assumed by the United States under the terms of a charter prescribed in this subsection, but no valuation of such vessel or other property or mode of compensation has been agreed to, the United States shall pay just compensation for such loss or damage, to the extent of the person entitled thereto is not reimbursed therefor through policies of insurance against such loss or damage.

(d) In all cases, the just compensation authorized by this section shall be determined and paid by the Commission as soon as practicable, but if the amount of just compensation determined by the Commission is unsatisfactory to the person entitled thereto, such person shall be paid 75 per centum of the amount so determined and shall be entitled to sue the United States to recover such further sum as, added to said 75 per centum will make up such amount as will be just compensation therefor, in the manner provided for by section 24, paragraph 20, and section 145 of the Judicial Code (U. S. C., 1934)

edition, title 28, secs. 41, 250).

(e) The Commission is authorized to repair, recondition, reconstruct, and operate, or charter for operation, any property acquired under authority of this section. The Commission is further authorized to transfer the possession or control of any such property to any

department or agency of the Government of the United States upon such terms and conditions as may be approved by the President. In case of any such transfer the department or agency to which the transfer is made shall promptly reimburse the Commission for its expenditures on account of just compensation, purchase price, repairs, reconditioning, reconstruction, or charter hire for the property transferred. Such reimbursements shall be deposited in the construction fund established by section 206 of this Act. (August 7, 1939.)

Acts and Parts of Acts Repealed.

JUNE 29, 1936, sec. 903. The following Acts and parts of Acts shall

stand repealed:

(a) All of the provisions of sections 3 to 8, inclusive, section 10, section 11, section 35, and section 43 of the Shipping Act, 1916, as amended.

(b) All of the provisions of subsection (b) (4) of section 2, section 3, section 11, section 14, and section 35 of the Merchant Marine Act,

1920, as amended.

(c) All of the provisions of sections 201, 301, 302, 401 to 413, inclusive, 601, and 702 of the Merchant Marine Act, 1928, as amended: *Provided*, That any contract lawfully entered into under authority of sections 401 to 413, inclusive, of such Act shall remain in full force and effect as though these sections were not repealed, subject, however, to the further provisions of this Act.

(d) The last sentence in section 3 of the Intercoastal Shipping

Act, 1933.

Words "United States Shipping Board" or "Board" as Applicable to Commission.

June 29, 1936, sec. 904 (46 U. S. C. 1243). Whenever the words "United States Shipping Board" or the words "the Board" are used in any prior Act, such Acts are hereby amended so that such words shall be applicable to the United States Maritime Commission.

#### Definitions.

June 29, 1936, sec. 905 (46 U. S. C: 1244). When used in this Act—
(a) The words "foreign commerce" or "foreign trade" mean commerce or trade between the United States, its Territories or possessions,

or the District of Columbia, and a foreign country.

(b) The term "person" includes corporations, partnerships, and associations existing under or authorized by the laws of the United States, or any State, Territory, District, or possession thereof, or of

any foreign country.

(c) The words "citizen of the United States" include a corporation, partnership, or association only if it is a citizen of the United States within the meaning of section 2 of the Shipping Act, 1916, as amended (U. S. C., title 46, sec. 802), and, in the case of a corporation, partnership, or association operating a vessel on the Great Lakes, or on bays, sounds, rivers, harbors, or inland lakes of the United States the amount of interest required to be owned by a citizen of the United States shall be not less than 75 per centum.

(d) The word "construction" includes outfitting and equipping.

(June 23, 1938, sec. 39.)

Separability Clause; Citation of Act.

June 29, 1936, sec. 906 (46 U. S. C. 1245). If any provisions of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected thereby. This Act may be cited as the Merchant Marine Act, 1936.

#### Effective Date of Act.

June 29, 1936, sec. 907 (46 U.S. C. 1246). Except as otherwise provided herein this Act shall take effect thirty days after a majority of the members of the Commission have taken the oath of office.

Note.—For Title X, sections 1001–1012, inclusive, see p. 246; and for Title XI, sections 1101-1109, inclusive, see p. 158.

#### Chapter LI.—MISCELLANEOUS

Effect of Repeal of Repealing Act.

R. S. 12 (1 U. S. C. 28). Whenever an Act is repealed, which repealed a former Act, such former Act shall not thereby be revived, unless it shall be expressly so provided.

Repeal of Statutes as Affecting Existing Liabilities.

R. S. 13 (1 U. S. C. 29). The repeal of any statute shall not have the effect to release or extinguish any penalty, forfeiture, or liability incurred under such statute, unless the repealing Act shall so expressly provide, and such statute shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability.

Life-saving Medals.

June 20, 1874, sec. 7 (14 U. S. C. 193). The Secretary of the Treasury is hereby directed to cause to be prepared medals of honor, with suitable devices, to be distinguished as life-saving medals of the first and second class, which shall be bestowed upon any persons who shall hereafter endanger their own lives in saving, or endeavouring to save lives from perils of the sea, within the United States, or upon any American vessel: Provided, That the medal of the first class shall be confined to cases of extreme and heroic daring; and that the medal of the second class shall be given in cases not sufficiently distinguished to deserve the medal of the first class: Provided, also, That no award of either medal shall be made to any person until sufficient evidence of his deserving shall have been filed with the Secretary of the Treasury and entered upon the records of the Department.

Additional Tokens of Honor for Repeated Acts of Heroism.

May 4, 1882, sec. 9 (14 U. S. C. 195). The life-saving medals of the first and second class authorized by the provisions of the seventh section of the Act of July 20, 1874, shall be hereafter designated as the gold and silver life-saving medal, respectively, and any person who has received or may hereafter receive either of said medals under the provisions of said section, or the twelfth section of the Act of June 18, 1878, and who shall again perform an Act which would entitle him to a medal of the same class under said provisions, shall receive, and the Secretary of the Treasury is hereby authorized to award, in lieu of a second medal, a bar, suitably inscribed, of the same metal as the metal to which said person would be entitled, to be attached to a ribbon of such description as the Secretary of the Treasury may prescribe, which may be fastened to the medal already bestowed upon said person; and for every such additional Act an additional bar may be added. And the Secretary of the Treasury is hereby authorized, in his discretion, whenever any person becomes

entitled to a bar representing a gold medal, to award him, in addition to said bar, such token as it is customary to award in acknowledgment of the services of masters and crews of foreign vessels in rescuing American citizens from shipwreck.

#### BESTOWAL OF MEDAL OF SECOND CLASS

June 18, 1878, sec. 12 (14 U. S. C. 194). The Secretary of the Treasury is hereby authorized to bestow the life-saving medal of the second class upon persons making such signal exertions in rescuing and succoring the shipwrecked, and saving persons from drowning, as, in his opinion, shall merit such recognition.

# BESTOWAL ON PERSON OTHER THAN MEMBER OF COAST GUARD

Jan. 21, 1897 (14 U. S. C. 196). So much of the Acts relating to the Life Saving Service approved June 20, 1874, June 18, 1878, and May 4, 1882, as provide for the award of life-saving medals shall be construed so as to empower the Secretary of the Treasury to bestow such medals upon persons making signal exertions in rescuing and succoring the shipwrecked and saving persons from drowning in the waters over which the United States has jurisdiction, whether the said persons making such exertions were or were not members of a life-saving crew, or whether or not such exertions were made in the vicinity of a life-saving station. (Jan. 28, 1915 sec. 1.)

#### School Ships.

Mar. 4, 1911, sec. 1 (34 U. S. C. 1121). The Secretary of the Navy, to promote nautical education, is hereby authorized and empowered to furnish, upon the application in writing of the governor of a State, a suitable vessel of the Navy, with all her apparel, charts, books, and instruments of navigation, provided the same can be spared without detriment to the naval service, to be used for the benefit of any nautical school, or school or college having a nautical branch, established at each of the following ports of the United States: Boston, Philadelphia, New York, Seattle, San Francisco, Baltimore, Detroit, Saginaw, Michigan, Norfolk, and Corpus Christi, upon the condition that there shall be maintained at such port a school or branch of a school for the instruction of youths in navigation, steamship-marine engineering, and all matters pertaining to the proper construction, equipment, and sailing of vessels or any particular branch thereof.

The port of Norfolk specified in the preceding paragraph shall be construed as embracing Norfolk, or Portsmouth, or Newport News, or any other city, town, municipality, or locality within the territorial limits of the customs-collection district having its headquarters

at Norfolk, Virginia. (Aug. 11, 1937.)

# APPROPRIATIONS FOR NAUTICAL SCHOOLS

Mar. 4, 1911, sec. 2 (34 U. S. C. 1122). A sum not exceeding the amount annually appropriated by any State or municipality for the purpose of maintaining such a marine school or schools or the nautical branch thereof is hereby authorized to be appropriated for the purpose of aiding in the maintainance and support of such school or

schools: *Provided*, however, That appropriations shall be made for one school in any port heretofore named in section one and that the appropriation for any one year shall not exceed \$25,000 for any one school.

#### NAVY OFFICERS AS SUPERINTENDENTS OR INSTRUCTORS

Mar. 4, 1911, sec. 3 (34 U. S. C. 1123). The President of the United States is hereby authorized, when in his opinion the same can be done without detriment to the public service, to detail proper officers of the Navy as superintendents of or instructors in such schools: Provided, That if any such school shall be discontinued, or the good of the naval service shall require, such vessel shall be immediately restored to the Secretary of the Navy and the officers so detailed recalled: And provided further, That no person shall be sentenced to or received at such schools as a punishment or commutation of punishment for crime.

### Instruction at Military Schools.

Mar. 3, 1901 (34 U. S. C. 1128). The President be, and he is hereby, authorized, upon the application of the governor of any State having seacoast line or bordering on one or more of the Great Lakes, to direct the Secretary of the Navy to furnish to one well-established military school in that State, desiring to afford its cadets instruction in elementary seamanship one fully equipped man-of-war's cutter for every twenty-five cadets in actual attendance, and such other equipment as may be spared and be deemed adequate for instruction in elementary seamanship: Provided, That the said school shall have adequate facilities for cutter drill and shall have in actual attendance at least seventy-five cadets over fifteen years of age in uniform receiving military instruction and quartered in barracks under military regulation, and shall have the capacity to quarter and educate at the same time one hundred and fifty cadets: And provided further, That the Secretary of the Navy shall require a bond in each case, in double the value of the property, for the care and safe-keeping thereof and for the return of the same when required. (June 29, 1906; June 24, 1910.)

#### NAVAL VESSELS AS NAUTICAL SCHOOL

June 30, 1906 (34, U. S. C. 1124). The Secretary of the Navy be, and he is hereby, authorized and empowered to loan temporarily to the government of the Commonwealth of the Philippine Islands, upon the written application of the Secretary of War, a vessel of the United States Navy, to be selected from such vessels as are not suitable or required for general service, together with such of her apparel, charts, books, and instruments of navigation as he may deem proper, said vessels to be used only by such nautical schools as are or may hereafter be maintained by said government of the Commonwealth of the Philippine Islands: Provided, That when such schools shall be abandoned, or when the interests of the naval service shall so require, such vessel, together with her apparel, charts, books, and instruments of navigation, shall be immediately restored to the custody of the Secretary of the Navy: And Provided further, That when

such loan is made to the government of the Commonwealth of the Philippine Islands, the Secretary of the Navy is authorized to detail from the enlisted force of the Navy a sufficient number of men, not exceeding six for any vessel, as ship keepers, the men so detailed to be additional to the number of enlisted men allowed by law for the naval establishment, and in making details for this service preference shall be given to those men who have served twenty years or more in the Navy. (Mar. 24, 1934.)

#### Remission or Mitigation of Penalties.

June 17, 1930, sec. 618 (19 U. S. C. 1618). Whenever any person interested in any vessel, vehicle, merchandise, or baggage seized under the provisions of this Act, or who has incurred, or is alleged to have incurred, any fine or penalty thereunder, files with the Secretary of the Treasury if under the customs laws, and with the Secretary of Commerce if under the navigation laws, before the sale of such vessel, vehicle, merchandise, or baggage a petition for the remission or mitigation of such fine, penalty, or forfeiture, the Secretary of the Treasury, or the Secretary of Commerce, if he finds that such fine, penalty, or forfeiture was incurred without willful negligence or without any intention on the part of the petitioner to defraud the revenue or to violate the law, or finds the existence of such mitigating circumstances as to justify the remission or mitigation of such fine, penalty, or forfeiture, may remit or mitigate the same upon such terms and conditions as he deems reasonable and just, or order discontinuance of any prosecution relating thereto. In order to enable him to ascertain the facts, the Secretary of the Treasury may issue a commission to any customs agent, collector, judge of the United States Customs Court, or United States commissioner, to take testimony upon such petition: Provided, That nothing in this section shall be construed to deprive any person of an award of compensation made before the filing of such petition.

# Award of Compensation to Informers.

June 17, 1930, sec. 619 (19 U. S. C. 1619). Any person not an officer of the United States who detects and seizes any vessel, vehicle, merchandise, or baggage subject to seizure and forfeiture under the customs laws or the navigation laws, and who reports the same to an officer of the customs, or who furnishes to a district attorney, to the Secretary of the Treasury, or to any customs officer original information concerning any fraud upon the customs revenue, or a violation of the customs laws or the navigation laws, perpetrated or contemplated, which detection and seizure or information leads to a recovery of any duties withheld, or of any fine, penalty, or forfeiture incurred, may be awarded and paid by the Secretary of the Treasury a compensation of 25 per centum of the net amount recovered, but not to exceed \$50,000 in any case, which shall be paid out of any appropriations available for the collection of the revenue from customs. For the purposes of this section an amount recovered under a bail bond shall be deemed a recovery of a fine incurred. vessel, vehicle, merchandise, or baggage is forfeited to the United States, and is thereafter, in lieu of sale, destroyed under the customs or navigation laws or delivered to any governmental agency for official use, compensation of 25 per centum of the appraised value thereof may be awarded and paid by the Secretary of the Treasury under the provisions of this section, but not to exceed \$50,000 in any case. (Aug. 5, 1935, sec. 305.)

#### United States Officers.

June 17, 1930, sec. 620 (19 U. S. C. 1620). Any officer of the United States who directly or indirectly receives, accepts, or contracts for any portion of the money which may accrue to any person making such detection and seizure, or furnishing such information, shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years, or both, and shall be thereafter ineligible to any office of honor, trust, or emolument. Any such person who pays to any such officer, or to any person for the use of such officer, any portion of such money, or anything of value for or because of such money, shall have a right of action against such officer, or his legal representatives, or against such person, or his legal representatives, and shall be entitled to recover the money so paid or the thing of value so given.

#### Limitation of Actions for Violations Customs Laws.

June 17, 1930, sec. 621 (19 U. S. C. 1621). No suit or action to recover any pecuniary penalty or forfeiture of property accruing under the customs laws shall be instituted unless such suit or action is commenced within five years after the time when the alleged offense was discovered: Provided, That the time of the absence from the United States of the person subject to such penalty or forfeiture, or of any concealment or absence of the property, shall not be reckoned within this period of limitation. (Aug. 5, 1935, sec. 306.)

#### General Statute of Limitations.

R. S. 1047 (28 U. S. C. 791). No suit or prosecution for any penalty or forfeiture, pecuniary or otherwise, accruing under the laws of the United States, shall be maintained, except in cases where it is otherwise specially provided, unless the same is commenced within five years from the time when the penalty or forfeiture accrued: Provided, That the person of the offender, or the property liable for such penalty or forfeiture, shall, within the same period, be found within the United States; so that the proper process therefor may be instituted and served against such person or property

# Instruction in Shipbuilding.

Feb. 26, 1879 (34 U. S. C. 1126). For the purpose of promoting a knowledge of steam engineering and iron-ship building among the young men of the United States, the President may, upon the application of an established scientific school or college within the United States, detail an engineer officer of the Navy as professor in such school or college:

Provided, That the number of officers so detailed shall not at any time exceed twenty-five, and such details shall be governed by rules

to be prescribed from time to time by the President:

And provided further, That such details may be withheld or withdrawn whenever, in the judgment of the President, the interests of the public service shall so require. (Mar. 3, 1899, sec. 1; Aug. 29, 1916.)

#### Export of Arms to American Countries.

Jan. 31, 1922, sec. 1 (22 U. S. C. 236). Whenever the President finds that in any American country, or in any country in which the United States exercises extraterritorial jurisdiction, conditions of domestic violence exist, which are or may be promoted by the use of arms or munitions of war procured from the United States, and makes proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President prescribes, any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress.

## Penalty for Exportation of Munitions of War.

Jan. 31, 1922, sec. 2 (22 U. S. C. 237). Whoever exports any arms or munitions of war in violation of section 1 shall, on conviction, be punished by fine not exceeding \$10,000, or by imprisonment not exceeding two years, or both.

#### Sale of Arms and Liquors to Pacific Islanders.

Mar. 4, 1909, sec. 308 (18 U. S. C. 499). Whoever, being subject to the authority of the United States, shall give, sell, or otherwise supply any arms, ammunition, explosive substance, intoxicating liquor, or opium to any aboriginal native of any of the Pacific islands lying within the twentieth parallel of north latitude and the fortieth parallel of south latitude, and the one hundred and twentieth meridian of longitude west and one hundred and twentieth meridian of longitude east of Greenwich, not being in the possession or under the protection of any civilized power, shall be fined not more than \$50, or imprisoned not more than three months, or both. In addition to such punishment, all articles of a similar nature to those in respect to which an offense has been committed, found in the possession of the offender, may be declared forfeited. If it shall appear to the court that such opium, wine, or spirits have been given bona fide for medical purposes, it shall be lawful for the court to dismiss the charge.

# Offenses Deemed on High Seas.

Mar. 4, 1909, sec. 309 (18 U. S. C. 500). All offenses against the provisions of the section last preceding, committed on any of said islands or on the waters, rocks, or keys adjacent thereto, shall be deemed committed on the high seas on board a merchant ship or vessel belonging to the United States, and the courts of the United States shall have jurisdiction accordingly.

#### Panama Canal.

Aug. 24, 1912, sec. 5 (48 U. S. C. 1315). The President is hereby authorized to prescribe and from time to time change the tolls that shall be levied by the Government of the United States for the use of the Panama Canal: *Provided*, That no tolls, when prescribed as above, shall be changed, unless six months' notice thereof shall have been given by the President by proclamation.

Tolls on merchant vessels, army and navy transports, colliers, hospital ships, supply ships, and yachts shall be based on net vesseltons of one hundred cubic feet each of actual earning capacity determined in accordance with the Rules for the Measurement of Vessels

for the Panama Canal prescribed by the President and as may be modified by him from time to time by proclamation, and tolls on other floating craft shall be based on displacement tonnage: Provided, That the basic rules of measurement shall not be changed except after public hearing and six months' public notice of such change. The rate of tolls on laden vessels shall not exceed \$1, nor be less than \$0.75 per net vessel-ton as determined under the aforesaid rules, and on vessels in ballast without passengers or cargo the rate may be less than the rate of tolls for vessels with passengers or cargo. In addition to the tolls based on measurement or displacement tonnage, tolls may be levied on passengers at rates not to exceed \$1.50 for each passenger. The levy of tolls is subject to the provisions of article XIX of the convention between the United States of America and the Republic of Panama, entered into November 18, 1903, and of article I of the treaty between the United States of America and the Republic of Colombia proclaimed March 30, 1922. (June 15, 1914, secs. 1, 2; Aug. 24, 1937.)

# RESERVATION OF RIGHT TO DISCRIMINATE IN FAVOR OF AMERICAN VESSELS

Aug. 24, 1912, sec. 5 (48 U. S. C. 1317). The passage of this Act shall not be construed or held as a waiver or relinquishment of any right the United States may have under the treaty with Great Britain, ratified the 21st of February, 1902, or the treaty with the Republic of Panama, ratified February 26, 1904, or otherwise, to discriminate in favor of its vessels by exempting the vessels of the United States or its citizens from the payment of tolls for passage through said canal, or as in any way waiving, impairing, or affecting any right of the United States under said treaties, or otherwise, with respect to the sovereignty over or the ownership, control, and management of said canal and the regulation of the conditions or charges of traffic through the same. (June 15, 1914, sec. 2.)

#### REGULATIONS FOR OPERATION OF CANAL GENERALLY

Aug. 24, 1912, sec. 5 (48 U. S. C. 1318). The President is authorized to make, and from time to time amend, regulations governing the operation of the Panama Canal; the passage and control of vessels through the same or any part thereof, including the locks and approaches thereto; pilots and pilotage in the canal or the approaches thereto through the adjacent waters; the navigation of the harbors and other waters of the Canal Zone, including the inspection of vessels navigating such waters and the licensing of officers of such vessels.

Any person violating any of the provisions of the rules and regulations established hereunder, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$100, or by imprisonment in jail not exceeding thirty days, or by both such fine and imprisonment. (Sept. 21, 1922; July 5, 1932.)

# Adjustment of Claims for Injuries to Vessels, Cargo, or Passengers

Aug. 24, 1912, sec. 5 (48 U. S. C. 1319). Such regulations shall provide for prompt adjustment by agreement and immediate payment

of claims for damages which may arise from injury to vessels, cargo, or passengers from the passing of vessels through the locks under the control of those operating them under such rules and regulations. In case of disagreement, suit may be brought in the district court of the Canal Zone against the Governor of the Panama Canal. The hearing and disposition of such cases shall be expedited and the judgment shall be immediately paid out of any moneys appropriated or allotted for canal operation. \* \*

Employment of Vessels of the United States for Public Purposes.

Apr. 28, 1904, sec. 1 (34 U. S. C. 528). Vessels of the United States, or belonging to the United States, and no others, shall be employed in the transportation by sea of coal, provisions, fodder, or supplies of any description, purchased pursuant to law, for the use of the Army or Navy unless the President shall find that the rates of freight charges by said vessels are excessive and unreasonable, in which case contracts shall be made under the law as it now exists: Provided, That no greater charges be made by such vessels for transportation of articles for the use of the said Army and Navy than are made by such vessels for transportation of like goods for private parties or companies.

Hospital Ships.

Mar. 24, 1908, sec. 1 (46 U. S. C. 133). Hospital ships, concerning which the conditions set forth in articles 1, 2, and 3 of the convention concluded at The Hague on July 29, 1899, for the adaptation to maritime warfare of the principles of the Geneva convention of August 22, 1864, are fulfilled, shall, in the ports of the United States and the possessions thereof, be exempted, in time of war, from all dues and taxes imposed on vessels by the laws of the United States, and from all pilotage charges.

#### DESIGNATION OF BY PRESIDENT

Mar. 24, 1908, sec. 2 (46 U. S. C. 134). The President of the United States shall by proclamation name the hospital ships to which this Act shall apply, and shall indicate the time when the exemptions herein provided for shall begin and end.

Sponge Fishing.

Aug. 15, 1914, sec. 1 (16 U. S. C. 781). It is unlawful for any citizen of the United States, or person owing duty of obedience to the laws of the United States, or any boat or vessel of the United States, or person belonging to or on any such boat or vessel, to take or catch, by any means or method, in the waters of the Gulf of Mexico or the Straits of Florida outside of State territorial limits, any commercial sponges measuring when wet less than five inches in their maximum diameter, or for any person or vessel to land, deliver, cure, offer for sale, or have in possession at any port or place in the United States, or on any boat or vessel of the United States, any such commercial sponges.

# Possession Prima Facie Evidence.

Aug. 15, 1914, sec. 2 (16 U.S. C. 782). The presence of sponges of a diameter of less than five inches on any vessel or boat of the

United States engaged in sponging in the waters of the Gulf of Mexico or the Straits of Florida outside of State territorial limits, or the possession of any sponges of less than the said diameter sold or delivered by such vessels, shall be prima facie evidence of a violation of this Act.

Punishment for Violations of Law; Liability of Vessels.

Aug. 15, 1914, sec. 3 (16 U. S. C. 783). Every person, partnership, or association guilty of a violation of this Act shall be liable to a fine of not more than \$500, and in addition such fine shall be a lien against the vessel or boat on which the offense is committed, and said vessel or boat shall be seized and proceeded against by process of libel in any court having jurisdiction of the offense.

Jurisdiction of Prosecutions.

Avg. 15, 1914, sec. 4 (16 U.S. C. 784). Any violation of this Act shall be prosecuted in the district court of the United States of the district wherein the offender is found or into which he is first brought.

Enforcement by Secretary of Commerce.

Aug. 15, 1914, sec. 5 (16 U. S. C. 785). It shall be the duty of the Secretary of Commerce to enforce the provisions of this Act, and he is authorized to empower such officers and employees of the Department of Commerce as he may designate, or such officers and employees of other departments as may be detailed for the purpose, to make arrests and seize vessels and sponges, and upon his request the Secretary of the Treasury may employ the vessels of the Coast Guard or the employees of the Customs Service to that end.

Commercial Cargoes Consigned to Guam on Army Transports.

Mar. 3, 1911 (10 U. S. C. 1368). When there is cargo space available without displacing military supplies, transportation [or Army transport] may be provided for merchandise of American production consigned to residents and mercantile firms of the island of Guam, rates and regulations therefor to be prescribed by the Secretary of War.

Radio-Communication Apparatus.1

June 24, 1910, sec. 1 (46 U. S. C. 484). It shall be unlawful for any steamer of the United States or of any foreign country navigating the ocean or the Great Lakes and licensed to carry, or carrying, fifty or more persons, including passengers or crew or both, to leave or attempt to leave any port of the United States unless such steamer shall be equipped with an efficient apparatus for radio communication, in good working order, capable of transmitting and receiving messages over a distance of at least one hundred miles, day or night. An auxiliary power supply, independent of the vessel's main electric power plant, must be provided which will enable the

Repealed in part by Act May 20, 1937, sec. 15, which provides as follows: "Such part or parts of the Act entitled 'An Act to require apparatus and operators for radio communication on certain ocean steamers', approved June 24, 1910, as amended, as relate to the ocean and to steamers navigating thereon, are hereby repealed. In all other respects said Act shall continue in full force and effect. The Commission is requested and directed to make a special study of the radio requirements necessary or desirable for safety purposes for ships navigating the Great Lakes and the inland waters of the United States, and to report its recommendations, and the reasons therefor, to the Congress not later than December 31, 1939."

sending set for at least four hours to send messages over a distance of at least one hundred miles, day or night, and efficient communication between the operator in the radio room and the bridge shall be maintained at all times.

The radio equipment must be in charge of two or more persons skilled in the use of such apparatus, one or the other of whom shall be on duty at all times while the vessel is being navigated. Such equipment, operators, the regulation of their watches, and the transmission and receipt of messages, except as may be regulated by law or international agreement, shall be under the control of the master, in the case of a vessel of the United States; and every willful failure on the part of the master to enforce at sea the provisions of this paragraph as to equipment, operators, and watches shall subject him to a penalty of \$100.

The provisions of this section shall not apply to steamers plying between ports, or places, less than two hundred miles apart. (July

23, 1912, sec. 1.)

# REQUIREMENTS AS TO EFFICIENCY OF RADIO APPARATUS 2

JUNE 24, 1910, sec. 2 (46 U. S. C. 485). For the purpose of this Act apparatus for radio communication shall not be deemed to be efficient unless the company installing it shall contract in writing to exchange, and shall, in fact, exchange, as far as may be physically practicable, to be determined by the master of the vessel, messages with shore or ship stations using other systems of radio communication.

# SUBSTITUTE FOR SECOND OPERATOR ON CARGO STEAMERS

JULY 23, 1912, sec. 2 (46 U. S. C. 488). On cargo steamers, in lieu of the second operator provided for in this Act, there may be substituted a member of the crew or other person who shall be duly certified and entered in the ship's log as competent to receive and understand distress calls or other usual calls indicating danger, and to aid in maintaining a constant wireless watch so far as required for the safety of life.

# PENALTY FOR VIOLATING PROVISIONS AS TO RADIO APPARATUS 2

June 24, 1910, sec. 3 (46 U.S. C. 486). The master or other person being in charge of any such vessel which leaves or attempts to leave any port of the United States in violation of any of the provisions of this Act shall, upon conviction, be fined in a sum not more than \$5,000, and any such fine shall be a lien upon such vessel, and such vessel may be libeled therefor in any district court of the United States within the jurisdiction of which such vessel shall arrive or depart, and the leaving or attempting to leave each and every port of the United States shall constitute a separate offense.

#### REGULATIONS 2

June 24, 1910, sec. 4 (46 U.S. C. 487). The Secretary of Commerce shall make such regulations as may be necessary to secure

<sup>&</sup>lt;sup>2</sup> (See footnote on p. 609.)

the proper execution of this Act by collectors of customs and other officers of the Government.

#### Equipment on Ocean-Going Vessels Using Ports of Canal Zone.

July 5, 1932, sec. 1 (48 U. S. C. 1336j). It shall be unlawful for any ocean-going vessel carrying fifty or more persons, including passengers and crew, to leave or attempt to leave any port of the Canal Zone unless such vessel shall be equipped with an efficient apparatus for radio communication, in good working order, in charge of a person skilled in the use of such apparatus, which apparatus shall be capable of transmitting and receiving messages for a distance of at least one hundred miles, night or day. This requirement shall not apply to vessels merely transiting the canal or to vessels plying between Canal Zone ports and ports less than two hundred miles therefrom.

## Jurisdiction of Violation; Penalties.

July 5, 1932, sec. 2 (48 U.S. C. 1336k). That any vessel leaving or attempting to leave a Canal Zone port not equipped as required by section 1 of this Act shall be liable to a fine not to exceed \$5,000, and each such departure or attempted departure shall constitute a separate offense. Fines shall be recovered in the district court of the Canal Zone, and the amount so recovered shall be a lien upon such vessel, and it may be seized and sold to satisfy same, as well as all costs of the court proceedings.

#### Intimidation of Witnesses Before Administrative Tribunals.

Jan. 13, 1940 (18 U. S. C. 241a). That whoever corruptly, or by threats or force, by any threatening letter or communication, shall endeavor to influence, intimidate, or impede any witness in any proceeding pending before any department, independent establishment, board, commission, or other agency of the United States, or in connection with any inquiry or investigation being had by either House, or any committee of either House, or any joint committee of the Congress of the United States, or who corruptly or by threats or force, or by any threatening letter or communication shall influence, obstruct, or impede, or endeavor to influence, obstruct, or impede the due and proper administration of the law under which such proceeding is being had before such department, independent establishment, board, commission, or other agency of the United States, or the due and proper exercise of the power of inquiry under which such inquiry or investigation is being had by either House, or any committee of either House, or any joint committee of the Congress of the United States, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

# Appendix—AMENDMENTS TO COMMUNICATIONS ACT OF 1934

MAY 20, 1937. Sec. 2. Section 3 of the Communications Act of 1934 is hereby amended by adding at the end thereof five new sub-

sections to read as follows:

"(w) (1) 'Ship' or 'vessel' includes every description of watercraft or other artificial contrivance, except aircraft, used or capable of being used as a means of transportation on water, whether or not it is actually affoat.

"(2) A ship shall be considered a passenger ship if it carries or

is licensed or certificated to carry more than twelve passengers.

"(3) A cargo ship means any ship not a passenger ship.

"(4) A passenger is any person carried on board a ship or vessel except (1) the officers and crew actually employed to man and operate the ship, (2) persons employed to carry on the business of the ship, and (3) persons on board a ship when they are carried, either because of the obligation laid upon the master to carry shipwrecked, distressed, or other persons in like or similar situations or by reason of any circumstance over which neither the master, the owner, nor

the charterer (if any) has control.

"(x) 'Auto-alarm' on a foreign ship means an automatic alarm receiver which has been approved by the country to which the ship belongs, provided the United States and the country to which the ship belongs are both parties to the same treaty, convention, or agreement prescribing the requirements for such apparatus. 'Auto-alarm' on a ship of the United States subject to the provisions of part II of title III of this Act means an automatic alarm receiver complying with law and approved by the Commission. Nothing in this Act or in any other provisions of law shall be construed to require the recognition of an auto-alarm as complying with part II of title III of this Act, on a foreign ship subject to such part, whose country of origin is not a party to a treaty, convention, or agreement with the United States in regard to such apparatus.

"(y) (1) For the purpose of part II of title III, a 'qualified operator' or 'operator' on a foreign ship means a person holding a certificate as such complying with the provisions of the General Radio Regulations annexed to the International Telecommunication Convention in force, or complying with an agreement or treaty between

the United States and the country to which the ship belongs.

"(2) For the purpose of part II of title III, a 'qualified operator' or 'operator' on a ship of the United States means a person holding a radio operator's license of the proper class, as prescribed and issued by

the Commission.

"(z) 'Harbor' or 'port' means any place to which ships may resort for shelter or to load or unload passengers or goods, or to obtain fuel, water, or supplies. This term shall apply to such places whether proclaimed public or not and whether natural or artificial. "(aa) 'Safety convention' means the International Convention for the Safety of Life at Sea in force and the regulations referred to therein."

Sec. 5. Paragraph (m) of section 303 of the Communications Act

of 1934 is hereby amended to read as follows:

"(m) (1) Have authority to suspend the license of any operator upon proof sufficient to satisfy the Commission that the licensee—

"(A) has violated any provision of any Act, treaty, or convention binding on the United States, which the Commission is authorized to administer, or any regulation made by the Commission under any such Act, treaty, or convention; or

"(B) has failed to carry out a lawful order of the master or person lawfully in charge of the ship or aircraft on which he is

employed; or

"(C) has willfully damaged or permitted radio apparatus or

installations to be damaged; or

"(D) has transmitted superfluous radio communications or signals or communications containing profane or obscene words, language, or meaning, or has knowingly transmitted—

"(1) false or deceptive signals or communications, or

"(2) a call signal or letter which has not been assigned by proper authority to the station he is operating; or

"(E) has willfully or maliciously interfered with any other radio

communications or signals; or

- "(F) has obtained or attempted to obtain, or has assisted another to obtain or attempt to obtain, an operator's license by fraudulent means.
- "(2) No order of suspension of any operator's license shall take effect until fifteen days' notice in writing thereof, stating the cause for the proposed suspension, has been given to the operator licensee who may make written application to the Commission at any time within said fifteen days for a hearing upon such order. The notice to the operator licensee shall not be effective until actually received by him, and from that time he shall have fifteen days in which to mail the said application. In the event that physical conditions prevent mailing of the application at the expiration of the fifteen-day period, the application shall then be mailed as soon as possible thereafter, accompanied by a satisfactory explanation of the delay. Upon receipt by the Commission of such application for hearing, said order of suspension shall be held in abeyance until the conclusion of the hearing which shall be conducted under such rules as the Commission may prescribe. Upon the conclusion of said hearing the Commission may affirm, modify, or revoke said order of suspension."

SEC. 6. (a) Subsection (n) of section 303 of the Communications

Act of 1934 is hereby amended to read as follows:

"(n) Have authority to inspect all radio installations associated with stations required to be licensed by any Act or which are subject to the provisions of any Act, treaty, or convention binding on the United States, to ascertain whether in construction, installation, and operation they conform to the requirements of the rules and regulations of the Commission, the provisions of any Act, the terms of any treaty or convention binding on the United States, and the conditions

of the license or other instrument of authorization under which they are constructed, installed, or operated."

(b) Section 303 of the Communications Act of 1934 is hereby further amended by adding at the end thereof a new subsection to read

as follows:

"(r) Make such rules and regulations and prescribe such restrictions and conditions, not inconsistent with law, as may be necessary to carry out the provisions of this Act, or any international radio or wire communications treaty or convention, or regulations annexed thereto, including any treaty or convention insofar as it relates to the use of radio, to which the United States is or may hereafter become a party."

Sec. 7. Section 321 (a) of the Communications Act of 1934 is hereby

amended to read as follows:

"Sec. 321 (a) The transmitting set in a radio station on shipboard may be adjusted in such a manner as to produce a maximum of radiation, irrespective of the amount of interference which may thus be caused, when such station is sending radio communications or signals of distress and radio communications relating thereto."

Sec. 8. Section 322 of the Communications Act of 1934 is hereby

amended to read as follows:

"Sec. 322. Every land station open to general public service between the coast and vessels or aircraft at sea shall, within the scope of its normal operations, be bound to exchange radio communications or signals with any ship or aircraft station at sea; and each station on shipboard or aircraft at sea shall, within the scope of its normal operations, be found to exchange radio communications or signals with any other station on shipboard or aircraft at sea or with any land station open to general public service between the coast and vessels or aircraft at sea: Provided, That such exchange of radio communication shall be without distinction as to radio systems or instruments adopted by each station."

SEC. 9. Section 329 of the Communications Act of 1934 is hereby

amended to read as follows:

"Sec. 329. The Commission is authorized to designate any officer or employee of any other department of the Government on duty in any Territory or possession of the United States to render therein such service in connection with the administration of this Act as the Commission may prescribe and also to designate any officer or employee of any other department of the Government to render such services at any place within the United States in connection with the administration of title III of this Act as may be necessary: *Provided*, That such designation shall be approved by the head of the department in which such person is employed."

Sec. 10. (a) The heading of title III of the Communications Act

of 1934 is hereby amended to read as follows:

# "TITLE III-PROVISIONS RELATING TO RADIO

# "PART I—GENERAL PROVISIONS"

(b) Such title III is further amended by adding at the end thereof a new part as follows:

"PART II-RADIO EQUIPMENT AND RADIO OFERATIONS ON BOARD SHIP

#### "SHIP RADIO INSTALLATIONS AND OPERATIONS

"Sec. 351. (a) Except as provided in section 352 hereof, it shall

be unlawful—

"(1) For any ship of the United States, other than a cargo ship of less than sixteen hundred gross tons, to be navigated in the open sea outside of a harbor or port, or for any ship of the United States or any foreign country, other than a cargo ship of less than sixteen hundred gross tons, to leave or attempt to leave any harbor or port of the United States for a voyage in the open sea, unless such ship is equipped with an efficient radio installation in operating condition, in charge of and operated by a qualified operator or operators, adequately installed and protected so as to insure proper operation, and so as not to endanger the ship and radio installation, as hereinafter provided, and in the case of a ship of the United States, unless there is on board a valid station license issued in accordance with this Act;

"(2) For any passenger ship of the United States of five thousand gross tons, or over, to be navigated outside of a harbor or port, in the open sea, or for any such ship of the United States or any foreign country to leave or attempt to leave any harbor or port of the United States for a voyage in the open sea, unless such ship is equipped with an efficient radio direction finder apparatus (radio compass) properly adjusted in operating condition as hereinafter provided, which ap-

paratus is approved by the Commission;

"(b) A ship which is not subject to the provisions of this part at the time of its departure on a voyage shall not become subject to such provisions on account of any deviation from its intended voyage due to stress of weather or any other cause over which neither the master, the owner, nor the charterer (if any) has control.

#### "EXCEPTIONS

"Sec. 352. (a) The provisions of this part shall not apply to—

"(1) A ship of war;

"(2) A ship of the United States belonging to and operated by the Government, except a ship of the United States Maritime Commission, the Inland and Coastwise Waterways Service, or the Panama Rail-

road Company;

"(3) A foreign ship belonging to a country which is a party to the Safety Convention and which ship carries a valid certificate exempting said ship from the radio provisions of that Convention, or which ship conforms to the radio requirements of such Convention or Regulations and has on board a valid certificate to that effect;

"(4) Yachts of less than six hundred gross tons not subject to

the radio provisions of the Safety Convention;

"(5) Vessels in tow;

"(6) A vessel navigating solely on the Great Lakes, or on any bays, sounds, rivers, or protected waters within the jurisdiction of the United States, or to a vessel leaving or attempting to leave any harbor or port of the United States for a voyage solely on the Great Lakes, or on any bays, sounds, rivers, or protected waters within the jurisdiction of the United States.

"(b) The Commission may, if it considers that the route or the conditions of the voyage or other circumstances are such as to render a radio installation unreasonable or unnecessary for the purposes of this part, except from the provisions of this part any ship, or any class of ships, which falls within any of the following descriptions:

"(1) Passenger ships which in the course of their voyage do not go more than twenty nautical miles from the nearest land or more than two hundred nautical miles between two consecutive ports;

"(2) Cargo ships which in the course of their voyage do not go more than one hundred and fifty nautical miles from the nearest land;

"(3) Passenger vessels of less than one hundred gross tons not

subject to the radio provisions of the Safety Convention;

"(4) Sailing ships.

#### "OPERATORS, WATCHES, AUTO-ALARM

"Sec. 353. (a) Each cargo ship required by this part to be fitted with a radio installation and which is not fitted with an auto-alarm, and each passenger ship required by this part to be fitted with a radio installation, shall, for safety purposes, carry at least two qualified operators.

"(b) A cargo ship, required by this part to be fitted with a radio installation, which is fitted with an auto-alarm in accordance with this title, shall, for safety purposes, carry at least one qualified operator who shall have had at least six months' previous service in the aggregate as a qualified operator in a station on board a ship or ships of the United States.

"(c) Each ship of the United States required by this part to be fitted with a radio installation shall, while being navigated outside a harbor or port, keep a continuous watch by means of qualified operators: *Provided*, *however*, That in lieu thereof on a cargo ship fitted with an auto-alarm in proper operating condition, a watch of at least eight hours per day, in the aggregate, shall be maintained by means of a qualified operator.

"(d) The Commission shall, when it finds it necessary for safety purposes, have authority to prescribe the particular hours of watch on a ship of the United States required by this part to be fitted with a radio installation.

"(e) On all ships of the United States fitted with an auto-alarm, said apparatus shall be in operation at all times while the ship is being navigated outside of a harbor or port when the operator is not on watch.

#### "TECHNICAL REQUIREMENTS

"Sec. 354. The radio installation and the radio direction-finding apparatus required by section 351 of this part shall comply with the following requirements:

"(a) The radio installation shall comprise a main and an emergency or reserve installation: *Provided*, *however*, That on a cargo ship, if the main installation complies also with all the requirements of an emergency or reserve installation, the emergency or reserve installation may be omitted.

"(b) The ship's radio operating room and the emergency or reserve installation shall be placed in the upper part of the ship in a position

of the greatest possible safety and as high as practicable above the deepest load water line, and the location of such room or rooms shall be approved by the Bureau of Marine Inspection and Navigation, Department of Commerce.

"(c) The main and emergency or reserve installations shall be capable of transmitting and receiving on the frequencies and types of waves designated by the Commission pursuant to law for the

purpose of distress and safety of navigation.

"(d) The main installation shall have a normal transmitting and receiving range of at least two hundred nautical miles, that is to say, it must be capable of transmitting and receiving clearly perceptible signals from ship to ship over a range of at least two hundred nautical miles by day under normal conditions and circumstances.

"(e) Sufficient power shall be available at all times to operate the main radio installation efficiently under normal conditions over the

range specified in subsection (d) of this section.

"(f) The emergency or reserve installation shall include a source of energy independent of the propelling power of the ship and of any other electrical system and shall be capable of being put into operation rapidly and of working for at least six continuous hours. the emergency or reserve installation, the normal range as defined in subsection (d) of this section shall be at least one hundred nautical miles.

"(g) There shall be provided between the bridge of the ship and the radio room, and between the bridge and the location of the direction finding apparatus, when the direction finding apparatus is not located on the bridge, an efficient means of communication independ-

ent of any other communication system of the ship.

"(h) The direction finding apparatus shall be efficient and capable of receiving clearly perceptible radio signals and of taking bearings from which the true bearing and direction may be determined. It shall be capable of receiving signals on the frequencies prescribed for distress, direction finding, and radio beacons by the General Radio Regulations annexed to the International Telecommunication Convention in force and in new installations after the effective date of this part, such other frequencies as the Commission may for safety purposes designate.

#### "LIFEBOATS

"Sec. 355. Every motor lifeboat, required to be equipped with radio by treaty or convention to which the United States is a party, by statute, or by regulation made in conformity with a treaty, convention, or statute, shall be fitted with an efficient radio installation under such rules and regulations as the Commission may find necessary to promote the safety of life.

#### "APPROVAL OF INSTALLATIONS

"Sec. 356. (a) In so far as is necessary to carry out the purposes and requirements of this part, the Commission shall have authority,

for any ship subject to this part—
"(1) To approve the details as to the location and manner of installations of the equipment required by this part or of equipment necessitated by reason of the purposes and requirements of this part.

"(2) To approve installations, apparatus, and spare parts necessary to comply with the purposes and requirements of this part.

"(3) To prescribe such additional equipment as may be determined to be necessary to supplement that specified herein, for the proper functioning of the radio installation installed in accordance with this part or for the proper conduct of radio communication in time of emergency or distress.

#### "TRANSMISSION OF INFORMATION

"Sec. 357. (a) The master of every ship of the United States equipped with radio transmitting apparatus, on meeting with dangerous ice, a dangerous derelict, a tropical storm, or any other direct danger to navigation, shall cause to be transmitted all pertinent information relating thereto, to ships in the vicinity and to the appropriate authorities, in accordance with rules and regulations issued by the Commission, which authorities of the United States shall, when they consider it necessary, promptly bring the information received by them to the knowledge of those concerned and foreign authorities interested.

"(b) No charge shall be made by any ship or station in the mobile service of the United States for the transmission, receipt, or relay of the information designated in subsection (a) originating on a ship

of the United States or of a foreign country.

"(c) The transmission by any ship of the United States, made in compliance with subsection (a), to any station which imposes a charge for the reception, relay, or forwarding of the required information, shall be free of cost to the ship concerned and any communication charges incurred by the ship for transmission, relay, or forwarding of the information may be certified to the Commission for reimbursement out of moneys appropriated to the Commission for that purpose.

"(d) No charge shall be made by any ship or station in the mobile service of the United States for the transmission of distress messages and replies thereto in connection with situations involving the safety

of life and property at sea.

"(e) Notwithstanding any other provision of law, any station or carrier may render free service in connection with situations involving the safety of life and property, including hydrographic reports, weather reports, reports regarding aids to navigation and medical assistance to injured or sick persons on ships and aircraft at sea. All free service permitted by this subsection shall be subject to such rules and regulations as the Commission may prescribe, which rules may limit such free service to the extent which the Commission finds desirable in the public interest.

#### "AUTHORITY OF MASTER

"Sec. 358. The radio installation, the operators, the regulation of their watches, the transmission and receipt of messages, and the raido service of the ship except as they may be regulated by law or international agreement, or by rules and regulations made in pursuance thereof, shall in the case of a ship of the United States be under the supreme control of the master.

#### "CERTIFICATES

"Sec. 359. (a) Each vessel of the United States to which the safety convention applies shall comply with the radio and communication provisions of said convention at all times while the vessel is in use, in addition to all other requirements of law, and have on board an

appropriate certificate as prescribed by the safety convention.

"(b) Appropriate certificates concerning the radio particulars provided for in said convention shall be issued to any vessel of the United States which is subject to the radio provisions of the safety convention and is found by the Commission to comply therewith. Such certificates shall be issued by the Department of Commerce, or whatever other agency is authorized by law so to do, upon request of the Commission made after proper inspection or determination of the facts. If the holder of such certificate violates the provisions of the safety convention, or of this Act, or the rules, regulations, or conditions prescribed by the Commission, and if the effective administration of the safety convention or of this part so requires, the Commission, after hearing in accordance with law, is authorized to request the modification or cancelation of such certificate. Upon receipt of such request the Department of Commerce, or whatever other agency is authorized by law to do so, shall modify or cancel the certificate in accord therewith. The Commission is authorized to issue, modify, or cancel such certificates in the event that no other agency is authorized to do so.

#### "INSPECTIONS

"Sec. 360. (a) In addition to any other provisions required to be included in a radio station license, the station license of each ship of the United States subject to this title shall include particulars with

reference to the items specifically required by this title.

"(b) Every ship of the United States, subject to this part, shall have the equipment and apparatus prescribed therein, inspected at least once each year by the Commission. If, after such inspection, the Commission is satisfied that all relevant provisions of this Act and the station license have been complied with, that fact shall be certified to on the station license by the Commission. The Commission shall make such additional inspections at frequent intervals as may be necessary to insure compliance with the requirements of this Act.

#### "CONTROL BY COMMISSION

"Sec. 361. Nothing in this title shall be interpreted as lessening in any degree the control of the Commission over all matters connected with the radio equipment and its operation on shipboard and its decision and determination in regard to the radio requirements, installations, or exemptions from prescribed radio requirements shall be final, subject only to review in accordance with law.

#### "FORFEITURES

"Sec. 362. The following forfeitures shall apply to this part, in addition to the penalties and forfeitures provided by title V of this Act:

"(a) Any ship that leaves or attempts to leave any harbor or port of the United States in violation of the provisions of this part, or the rules and regulations of the Commission made in pursuance thereof, or any ship of the United States that is navigated outside of any harbor or port in violation of any of the provisions of this part, or the rules and regulations of the Commission made in pursuance thereof, shall forfeit to the United States the sum of \$500, recoverable by way of suit or libel. Each such departure or attempted departure, and in the case of a ship of the United States each day during which such navigation occurs shall constitute a separate offense.

"(b) Every willful failure on the part of the master of a ship of the United States to enforce or to comply with the provisions of this Act or the rules and regulations of the Commission as to equipment, operators, watches, or radio service shall cause him to forfeit to the

United States the sum of \$100."

SEC. 11. Paragraph (a) of section 402 of the Communications Act of 1934 is hereby amended by inserting after the words "or for modifications of an existing radio station license" a comma and the words "or suspending a radio operator's license."

Sec. 12. Subsection (b) of section 402 of the Communications Act of 1934 is hereby amended by adding at the end thereof a new para-

graph to read as follows:

"(3) By any radio operator whose license has been suspended by the Commission."

Sec. 13. Paragraph (c) of section 402 of the Communications Act of 1934 is hereby amended by inserting after the words in the last sentence "upon the application" the words "or order."

SEC. 14. Section 504 of the Communications Act of 1934 is hereby

amended to read as follows:

#### "PROVISIONS RELATING TO FORFEITURES

"Sec. 504. (a) The forfeitures provided for in this Act shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where the person or carrier has its principal operating office or in any district through which the line or system of the carrier runs: Provided, That in the case of forfeiture by a ship, said forfeiture may also be recoverable by way of libel in any district in which such ship shall arrive or depart. Such forfeitures shall be in addition to any other general or specific penalties herein provided. It shall be the duty of the various district attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of forfeitures under this Act. The costs and expenses of such prosecutions shall be paid from the appropriation for the expenses of the courts of the United States.

the forfeitures imposed by title III, part II of this Act shall be subject to remission or mitigation by the Commission, upon application therefor, under such regulations and methods of ascertaining the facts as may seem to it advisable, and, if suit has been instituted the Attorney General, upon request of the Commission, shall direct the discontinuance of any prosecution to recover such forfeitures: Provided, however, That no forfeiture shall be remitted or mitigated

after determination by a court of competent jurisdiction."

SEC. 15. Section 602 of the Communications Act of 1934 is hereby amended by adding at the end thereof a new subsection to read as

follows:

"(e) Such part or parts of the Act entitled 'An Act to require apparatus and operators for radio communication on certain ocean steamers', approved June 24, 1910, as amended, as relate to the ocean and to steamers navigating thereon, are hereby repealed. In all other respects said Act shall continue in full force and effect. The Commission is requested and directed to make a special study of the radio requirements necessary or desirable for safety purposes for ships navigating the Great Lakes and the inland waters of the United States, and to report its recommendations, and the reasons therefor, to the Congress not later than December 31, 1939."

SEC. 16. This Act shall take effect upon approval, provided that the Commission may defer the application of all or any part of sections 351 to 355, inclusive, for a period not to exceed six months after approval, in regard to any ship or classes of ships of the United States which are not subject to the provisions of the safety convention, if it is found impracticable to obtain the necessary equipment

or make the required installations.



# TABLES OF LAWS INCLUDED IN VOLUME

Table A gives the sections of the Revised Statutes, numerically arranged, with the corresponding United States Code sections, included in this volume.

Table B gives the dates of acts subsequent to the Revised Statutes (Dec. 1, 1873), chronologically arranged, and the corresponding United States Code sections, included in this volume.

Table C gives the titles and sections of the United States Code, numerically arranged, with the corresponding sections of the Revised Statutes and acts subsequent thereto, included in this volume.

Table A.—Sections of the Revised Statutes and the corresponding titles and sections of the United States Code

	United St	United States Code	Page of		United St	United States Code	Page of
Revised Statutes, section	Title	Section	tnis volume	Kevised Statutes, section	Title	Section	this volume
3		80 00 00 00	116	979	28	827	522
13		29	601	1433	3.5	217	551
564	28	108	519	1536	14	53	389
728	28	393	526	1707	22	73	550
730	28	102	519	1708	22	74	550
731	28	103	. 519	1718	22	88	550
732	28	104	519	1719	22	06	551
734	28	106	519	1722	22	91	551
735	28	107	519	1959	16	646	569
851	28	605	230	2654	19	58	258
923	28	736	520		19	58	319
938	28	751	520	2747	14	52	385
939	28	752	521	2758	14	51	386
940	28	753	521	2759	14	09	389
9 941	28	754	307	2760	14	99	386
026 23	28	818	521	2761	14	70	384
971	28	819	522	2762	14	29	384
978	28	826	522	2764	14	64	386

Table A.—Sections of the Revised Statutes and the corresponding titles and sections of the United States Code—Continued

TABLE A: Decilons of	me recessor	nun eaminic	me correspon	tons of the treased statutes and the corresponding times and sections of the chiefe source sources	on Same	DODING OF	
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Revised Statutes, section	Title	Section	volume	Revised Statutes, Section	Title	Section	volume
2765	14	89	386	3978	39	494	290
2792	46	110 110	252 258	3986	18 39	308 496	291 290
	46	110	316	3988-3989	39	327	291 291
	46	112	371	3990	39	498	291
9703	46	124	252	3991	ල ද ස	499	292 291
	46	111	315	4006	33	651	292
	46	111	371	4007	36	. 652	292
	46	123	257	4008	30	653	292
	46	123	371	4010	36	655	293
3062	19	483	338	4011	39	656	293
3068	18	122	337	4012	30	699	293
3071	19	202	338	4014	30	620	550
3073	19	508	338	4015	68	1/9	293
3080	D C	228	333	4000	226	957	077
3094	19	574	339	4081	1		220
3113	19	283	327	4081	22	258	229
3114	19	257	316	4131	46	221	116
3115	19	258	317		46	221	168
3118	61	280	797	130	40	177	116
3126	70	707	231	4136	46	14	117
3127	19	294	332	4137	46	15	129
3969	39	487	290	4138	46	16	130
3977	18	323	290	4139	46	202	130

12	121	193	145	146	146	$\overline{146}$	147	147	147	147	148	148	253	254	254	255	255	256	256	257	257	257	319	119	120	120	121	370	371	371	371	373	372	379	370	372
44	46	2.0	5.5	73	55	56	57	28	59	09	61	62	91	94	93	92	96	- 6	86	100	1	102	101	103	109	105	106	121	122	113	125	126	128	190	133	141
46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	1	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46
4176	4178	4179	4180	4181	4182	4183	4184	4187	4188	4189	4190	4191	4197	4198	4199	4200	4201	4202	4204	4206	4207	4208	4213	4214	4215	4217	4218	4219	4220	4221		4222	4225	4226	4227	4228
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12	125	125	128	124	25	25	25	27	33	27	28	20	36	31	32	32	8	12	128	128	128	126	12(	126	126	12,	130	13(	13,	137	137	131	13]	23	31	133
17   12																									-							_				
	21	22	23	24	71	72	74	75	92	77	77	22	22	77	77	78	81	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43

Table A.—Sections of the Revised Statutes and the corresponding titles and sections of the United States Code—Continued

	United St	United States Code	Page of		United St	United States Code	Page of
Revised Statutes, section	Title	Section	this volume	Kevised Statutes, section	Title	Section	volume
4233	33	301	427	4238	46	721	457
	33	311	427	4239	46	722	457
	200	312	428	4241	46	724	457
	333	313	428	4250	46	227	171
	33	314	428	4251	46	611	$2\overline{15}$
	33	315	428	4278	46	172	84
	33	316	428	4279	46	173	85
	33	317	429	4280	46	174	
	33	318	429	4281	46	181	301
	33	319	429	4282	46	182	302
	33	320	429	4283	46	183	$\frac{305}{2}$
	33	321	430	4283A	46	183b	303
	33	322	430	4283B	46	183c	303
	33	331	430	4284	46	184	304
	33	341	431	4285	. 46	185	304
	33	342	431	4286	46	186	304
	33	343	431	4287	46	187	304
	33	344	431	4288	46	175	304
	33	345	431	4289	46	188	305
	33	346	432	4290	46	201	221
	33	347	432	4291	46	202	222
	33	348	432	4292	46	203	222
	33	349	432	4293	33	381	202
	33	350	432	4294	33	385	202
	33	351	432	4295	33	383	202
4235	46	211	436	4296	33	384	202
4936	46	212	436	4297	33	385	208
4937	46	213	436	4298	33	386	508

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46 46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46 1
4349	4351	4352	4353	4354	4355	4356	4357	4358	4350	4360	4361	4364	4365	4366	4367	4368	4369	4370	4373	4374	4375	4376	4377	4378	4379	4380	4385	4391	4392	4393	4394	4399	4400	4401	
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391	392	393	394	395	396	354	2000	951	959	253	254	255	258	259	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	293	2939
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Table A.—Sections of the Revised Statutes and the corresponding titles and sections of the United States Code—Continued

3	United St	United States Code	Page of		United St	United States Code	Page of
Revised Statutes, section	Title	Section	this volume	Kevised Statutes, section	Title	Section	this volume
4403	46	372	9	4426	46	404	48
4404	46	373	00	4427	46	405	49
	46	374	10	4428	46	406	52
4405	46	375	10	4429	46	407	52
4400	940	977	15	4430	46	400	20.00
4408	46	378	12	4432	46	410	9 FG
4409	46	379	13	4433	46	411	54
4410	46	439	13	4434	46	412	54
4411	46	380	11	4437	46	413	51
4412	46	381	12	4.438	46	224	164
	46	381	432	4438A	46	224a	179
4413	46	381	12	4439	46	226	$\frac{165}{165}$
	46	381	433	4440	46	228	165
4414	46	382	14	4441	46	229	166
	46	382	15	4442	46	214	166
1	46	385	19	4443	46	230	100
4415	46	384	17	4444	46	215	171
4410	46	385	×1:	1	46	G12	430
4417	46	391	44	4445	46	231	791
4417A	46	391a	45	4446	46	737	165
4418	46	392	51	4447	46	233	164
4419	46	393	52	4448	46	234	21
4421	46	399	55		46	234	171
4422	46	401	80	4449	46	240	165
4423	46	400	26	4450	46	239	459
4424	46	402	84		46	239	460
4425	46	403	21		46	239	461

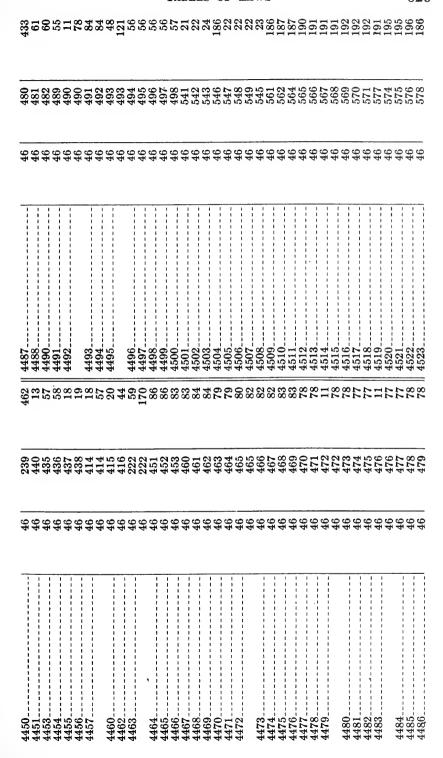


Table A.—Sections of the Revised Statutes and the corresponding titles and sections of the United States Code—Continued

	United St	United States Code	Page of	, , , , , , , , , , , , , , , , , , ,	United St	United States Code	Page of
Revised Statutes, section	Title	Section	tolume volume	Revised Statutes, Section	Title	Section	volume
4524	46	591	211	4555	46	652	23
4525	46	592	211	n u	46	652	221
4527	40	594	212	4557	46	654	231
4528	46	595	212	4558	46	655	232
4529	46	596	212	4559	46	656	232
	46	298	212	4560	46	657	232
4530	46	597	213	4561	46	658	232
4535	46	009	210	4569	40	000	299 933
4538	46	621	215	4563	46	099	733 733 733 733
4539	46	622	215	4564	46	661	233
4540	46	623	216	4565	46	662	233
4541	46	624	217	4566	46	663	234
4542	46	625	217	4567	46	664	234
4543	46	626	217	4568	46	665	234
4544	46	627	217	4569	46	999	235
4545	46	628	218	4570	46	299	235
4546	46	603	213	4571	46	899	235
4547	46	200	213	45072	40	600	103
27.40	40	904 408	210	4574	46	675	193
4040	46	641	906	4575	46	929	193
4049 4KKD	46	649	206	4576	46	677	193
4551	46	643	902	4577	46	678	$\frac{218}{218}$
4552	46	644	211	4578	46	629	218
4554	46	651	23	4580	46	682	209
	46	651	221	4581	46	683	500

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	46	703	220	5339	18	451	505
	46	704	226		18	452	505
	46	705	214	5341	18	453	510
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	46	208	339	5344	28	461	511
	46	209	221	5345	18	457	511
	46	710	227	5346	18	455	510
1 1 1	46	711	227	5347	18	482	518
	46	712	227	5348	18	462	510
	46	713	185	5349	18	459	511
	46	713	188	5350	18	460	511
-	46	713	189	5351	18	460	511
	33	736	387	5353	18	382	8
	33	736	389	5354	18	386	88
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	42	68	357	5357	18	467	515
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	42	91	357	5359	18	483	513
	42	112	315	5360	18	484	514
	24	2	237	5361	18	489	. 518
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	24	12	237	5363	18	486	514
	18	21	488	5364	18	487	514
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Table A.—Sections of the Revised Statutes and the corresponding titles and sections of the United States Code—Continued

	this con volume	468 513 513 513 513 88 512 21 96 21 515
tates Co	Section	
United States Code	Title	18 18 18 18 18 18
	Revised Statutes, section	5391 5392 5423 5440 5482 5533
Page of	volume	517 517 517 517 510 510
United States Code	Section	495 496 497 498 465 465
United St	Title	8888888
Revised Fratites section		5373 5374 5383 5384 5386 5387

Table B.—Acts subsequent to Revised Statutes and corresponding tilles and sections of United States Code

United States Code Page of this
Section
336 544
193 361 369
363
535
537
302
104
194
725 1126
332
151
152
154
156
157
157

Table B.—Acts subsequent to Revised Statutes and corresponding titles and sections of United States Code—Continued

Page of this	volume	399 399 399 399 400 400 400 400 400 400 400 400 400 4
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United States Code	Title	**************************************
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Page of this	volume	86 470 471 471 472 473 473 473 473 473 473 473 473
United States Code	Section	454 454 454 454 454 454 454 45
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Table B.—Acts subsequent to Revised Statutes and corresponding titles and sections of United States Code—Continued

Page of this	volume	4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4	427 415 267
	Section	183 193 193 193 193 193 193 193 193 193 19	232
United States Code	Title		33 46
	Section		070c
	Date of Act	June 7, 1897	Feb. 17, 1898
Page of this	volume	25 2 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4	409 409 410
United States Code	Section	225 225 225 37 196 80 366 154 171 171 172 173 174 175 176 177	180 181 182
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Mar. 3, 1901 Mar. 8, 1902 Apr. 29, 1902 June 13, 1902 July 1, 1902 Feb. 14, 1903		Apr. Feb.		Apr. May June	June 28, 1906 June 30, 1906 Mar. 4, 1907
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TABLE B - Acts subsequent to Bewised Statutes and corresponding titles and sections of United States Code-Continued

•	:	United States Code	ates Code	Page of this		:	United St.	United States Code	Page of this
Date of Act	Section	Title	Section	volume	Date of Act	Section	Title	Section	volume
Mar. 4, 1907	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	212	\$31	287	May 28, 1908		88 88	152	
	1	225	288	287	May 30, 1908	2016	889	888	1200
	1	217	82	287	Mar. 3, 1909		33	50	454
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Apr. 28, 1908	7-1	46	134	434		400	46	513	380
	63.6	46	455	434		41 K	46	514 717	381
	o 4	46	457	434		99	46	516	382
Apr. 29, 1908	1	48	1015	276		<b>ν</b> α	46	517	382
	3 co -	48	1017	276	S		46	519	382
	4 10	6 4	1016	276	June 24, 1910	!	46	484	509
May 14, 1908	<b>6</b> 1	33	761	438	•		46	485	610
ay 28, 1908	7.0	46	104	120		დ <del>4</del>	4 4 6	480	610
	· ∞ <u>ς</u>	33	446	472	Feb. 13, 1911	rO r	119	261	329
	11	46	306	200	Mar. 3, 1911	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	10	1368	609
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<sup>2</sup> Senate joint resolution.

TABLE B .— Acts subsequent to Revised Statutes and corresponding tilles and sections of United States Code—Continued

þ	Page of this	volume	23 11114 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4	526 264 117
de—Continue	United States Code	Section	386 502 111532 1144444 114532 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11465 11	768 877 13
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Table D. Acks	Section			1304 1304 1304
av T	f Act.		15, 1917 112, 1917 11, 1918 7, 1918 10, 1918 1, 1918 9, 1918	, 1919
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881 882 883	911	921	921	226	923	925	926	926	927	927	941	951	952	953	954	961	971	2/6	9/3	974	6/6	188	200	983	984	170	236	237	472	089	202	203	166
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Table B.—Acts subsequent to Revised Statutes and corresponding titles and sections of United States Code—Continued

Page of this	volume	8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8
tes Code	Section	1452 1455 1455 1455 1455 1455 1450 1460 1460 1460 1460 1460 1460 1460 146
United States Code	Title	
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	Date of Act	June 17, 1930
Page of this	volume	355 355 355 355 355 355 355 355 355 355
ates Code	Section	856 856 856 857 1308 1431 1431 1433 1433 1433 1433 1433 143
United States Code	Title	94444
2	Section	88 33 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4
Date of Act	Date of Act	Mar. 2, 1929 May 31, 1929 June 5, 1930 June 17, 1930

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June 17, 1930		Mar. 3, 1931 May 17, 1932 June 29, 1932 June 30, 1932 July 1, 1932 July 5, 1932 May 4, 1934 June 14, 1934 June 18, 1934

TABLE B.—Acts subsequent to Revised Statutes and corresponding titles and sections of United States Code—Continued

	United St	United States Code	,	** **			United St	United States Code	
Section	Title	Section	Page of this volume	Date of Act	f Act	Section	Title	Section	Page of this volume
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14	46	1313	301			20.2	46	367	50
15	46	1314	301	June 22, 1936	1936		14	45	384
97	46	1315	301				14	46	385
٦6	10	108	484			1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	14	47	385
4 cc	10	200	484				14	48	385

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1132	1132	1141	1142	1144	1145	1151	1152	1153	1154	1156	1157	1158	1159	1171	1172	1173	1174	1175	1176	1177	1178	1179	1180	1181	1182	1191	1192	1193	1194	1195	1196	1197	1198	1199	1200	1201
46 	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46
302	302	401	402	404	405	201	505	503	504	506	502	208	509	601	602	603	604	605	909	209	809	609	610	611	612	701	702	703	704	705	902	707	. 408	602	710	711
June 29, 1936																															_	*****	-			
252 43	391	391	392	54	203	392	168	203	392	174	205	202	516	203	260	292	552	552	554	554	555	555	556	556	556	557	557	558	559	260	260	561	561	173	562	168
1405c   1485	738	7388	738b	660a	660a	738c	672a	6729	738d	710a	710a	689	390	069	1124	1143	1101	1111	1112	1113	1114	1115	1116	1117	1118	1119	1120	1121	1122	1123	1124	1125	1126	1131	1131	1132
48 	46	46	46	46	46	46	46	46	46	46	46	46	18	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46
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Table B.—Acts subsequent to Revised Statutes and corresponding titles and sections of United States Code—Continued

Page of this	volume	250 250 250 250 250 250 250 250 250 250
tes Code	Section	1259 1260 1261 1261 1271 1272 1274 1276 1276 1276 1277 7728 7729 7724 7724 7726 7727 7728 7728 7729 7729 7729 7720 7720 7720 7720 7720
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Page of this	volume	2444 2448 2448 2448
tes Code	Section	1202 1204 1204 1212 1223 1223 1224 1224 1224 1224 122
United States Code	Title	244444444444 26666666666666666666666666
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	Date of Act	June 29, 1936

269	238 243	497	499	200	200 201	501	502 502	503	503	505	505	505	505	206	206	506	506	611		
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TABLE C.—Titles and sections of the United States Code and the corresponding sections of the Revised Statutes and subsequent acts

Page of	tnis volume	66 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8
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Table C.—Tilles and sections of the United States Code and the corresponding sections of the Revised Statutes and subsequent acts—Continued

Revised		:	Page of	United States Code		Revised		5	Page of
70	Date of Act	Section	this volume	Title	Section	Statutes	Date of Act	Section	volume
3977		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	290	18.	482	5347		1 1	513
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5346	1 1 1 1 1	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	510		494	5284	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1 1 1 1 1 1 1	489
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TABLE C.—Titles and sections of the United States Code and the corresponding sections of the Revised Statutes and subsequent acts—Continued

Page of	this volume	222 222 223 2323 2323 2323 2323 2323 2
:	Section	609 611 611 611 611 611 611 611 611 611 61
	Date of Act	June 17, 1930
Revised	statutes section	
es Code	Section	1609 1610 1611 1611 1611 1611 1611 1612 1613 1613
United States Code	Title	19
Page of	volume	333 333 333 333 333 333 333 333 333 33
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United States Code	Title	61

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Table C.—Titles and sections of the United States Code and the corresponding sections of the Revised Statutes and subsequent acts

	Page of	volume	4002 4002 4002 4002 4003 4003 4004 4003 4004 4004 4004 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005 4005
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	Page of	volume	1855 1855 1855 1855 1855 1855 1855 1855
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Table C.—Titles and sections of the United States Code and the corresponding sections of the Revised Statutes and subsequent acts—Continued

Page of	volume	
5	Dection	00112247112011
	Date of Act	Mar. 3, 1899  May 9, 1900  May 9, 1900  May 9, 1900  May 60  do  do  do  do  do  do  do  do  do  d
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United States Code	Title	33
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United States Code	Title	33.

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TABLE C.—Titles and sections of the United States Code and the corresponding sections of the Revised Statutes and subsequent acts—Continued.

Page of	volume	125 125 125 125 125 125 127 127 127 127 127 127 127 127 127 127
O	Section	21.21
II	Date of Act	June 26, 1884 Feb. 21, 1891
Revised	section section	44444444444444444444444444444444444444
11	Section	0100445578600100045555 010045545578601000455578
United States Code	Title	46
Page of	volume	358 359 359 360 360 360 361 362 362 362 362 362 362 362 362 362 362
	Section	74578 2018187 122884 12
	Date of Act	Feb. 15, 1893  do do do do June 19, 1893  Aug. 15, 1893  Aug. 27, 1890  Feb. 15, 1891  do
Revised	section	4792 4792 4132 4138 41418 41418
	Section	4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4
United States Code	Title	45.

	TABLES OF LAWS	659
88 88 88 88 88 88 88 88 88 88 88 88 88	255 255 255 255 255 255 255 255 255 255	$\frac{371}{252}$
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Mar. 2, 1929  do.  do.  Aug. 27, 1935  do.  do.  do.  do.  do.  do.  do.  do	May 28, 1908  May 28, 1908  Jan. 16, 1895	
4197	4200 4198 4198 4201 4201 4204 4213 4217 4217 4217 4217 4218 2792 2792 2793 2793 2793	2793
856 888 880 880 880 880 880 880 880 880 88	918 928 938 949 959 967 97 97 97 97 97 97 97 97 97 97 97 97 97	111
46		
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May 28, 1908 Feb. 19, 1920 dododo	July 9, 1912  Aug. 5, 1882  Mar. 3, 1897  Aug. 18, 1914  Aug. 2, 1929	op

4182 4183 4184 4187 4189 4190 4191

Table C.—Titles and sections of the United States Code and the corresponding sections of the Revised Statutes and subsequent acts—Continued

Page of this volume	1.222222222222222222222222222222222222
Section	7.7 100 113 113 113 113 114 118 118
Date of Act	Aug. 2, 1882  do d
Revised Statutes section	42383 42383 42883 42883 42883 42883 42883 42883 42883 42883 42883 42883 42883 42883 42883
es Code Section	157 158 160 160 160 163 163 173 173 173 173 173 173 173 173 173 17
United States Code Title Section	46
Page of this volume	371 371 371 371 371 372 373 373 373 373 373 373 373 373 374 375 375 377 377 377 377 377 377 377 377
Section	2 1 10 F 10100400
Date of Act	Apr. 29, 1908  July 1, 1916  Mar. 24, 1908  June 19, 1886  Mar. 3, 1887  July 26, 1882  Aug. 2, 1882  do. do. do.
Revised Statutes section	2792 4221 4220 2793 2793 2793 2793 2793 2793 4221 4222 4222 4225 4225 4225 4225 4225
1	21122222222222222222222222222222222222
United States Code Title Section	46

	16 16 17 17	60 171 169 167 167 459	460 461 462 165 182 182	183 183 183 184 184 184 184 184	1884 11884 1388 1438 143 143 140
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		Mar. 3, 1913 May 11, 1918 Aug. 18, 1914 Mar. 4, 1907	Mar. 29, 1939 Aug. 1, 1939	00000000000000000000000000000000000000	do do
4439 4250 4440 4441 4443	4446 4447 4448 4448	4450	4450 4450 4450 4449		4312 4312 4314 4315 4315 4318
222 223 230 230	232 233 234 234 234	235 235 237 238 238 239	239 239 240 241 242	2222222 24422222 245343	25442 2522 2523 2532 2533 2533 2533 2533
305   46	222 222 436 436	436 171 171 436 116 168	169 59 170 59 170 164	179 179 180 180 181	181 181 182 182 182 164 164
904r0r	1 1 1 1 1	1 1 1 1 1 1			
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Feb. 13, 1893			Mar. 3, 1913 2	01 to 41 to 6 to	8 10 10 11 11 12 13 May 28, 1896 2
1 1 1 1	4291 4292 4235 4236	4237 4442 4444 4131 4131	Mar. 3, 1913	4438a 4438a 4438a 4438a 4438a 4438a 4438a 4438a	
1 1 1 1 1 1 4 4 4 4 4 4 4 4 4 4 4 4 4 4			4463 4463 4463 Mar. 3, 1913 4438		May 28, 1896

Table C.—Titles and sections of the United States Code and the corresponding sections of the Revised Statutes and subsequent acts—Continued

Page of this volume		260 260 260 260 260 260 260 260 260 260
Section		66
Date of Act		July 12, 1876 June 19, 1886
Revised Statutes section		44235500 46235500 46235500 46235500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500 4623500
United States Code	Section	22222222222222222222222222222222222222
	Title	46
Page of this volume		141 1330 1440 1442 1443 1444 1444 1444 1444 1444 1444
	Section	
Date of Act		Apr. 24, 1906  June 7, 1918  June 7, 1918  June 19, 1886  Apr. 5, 1938  Feb. 17, 1898  May 28, 1906
Revised Statutes section		44444444444444444444444444444444444444
United States Code	Section	200 200 200 200 200 200 200 200 200 200
	Title	46

 $\begin{array}{c} \textbf{118} \\ \textbf{4444} \\ \textbf{455} \\ \textbf{121} \\ \textbf{121} \\ \textbf{1221} \\ \textbf{123} \\ \textbf{124} \\ \textbf{124} \\ \textbf{125} \\ \textbf{1$ 

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May 28, 1938 May 28, 1908				1				May 27, 1936	June 10, 1918	0 p
4417 4417a 4417a 4418 4419	4421	4422	4425 4426 4427	4428 4429	4431 4432	4433 4434 4437	4457	4462		4454 4455
381 391 391 392 393 395 395	398 398 399	401 402	403 404 405	406 407 408	408 409 410	411 412 413	414	415 416 417	418 419 431 432	433 435 436 436
1 1 1 1										
46										
268 268 119 119 138 138 42	1444	430 49 43	50 7	-	14	12	11.	432 12	433 14 15	17. 17. 17.
268 268 119 119 119 119 118 138 138	424 42	430 14 43	1 2 5 7	900:	3 14	12	113	432	433 14 15	6. 20
7 June 30, 1879	Oct. 25, 1919 42	June 25, 1890 49 Mar. 3, 1897 43	1936 1 036 5		May 27, 1936 3 14	12 12 12	113	432	433 14 15	May 28, 1928 17 Apr. 5, 1938 17 May 27, 1936 6 20
	4400 Oct. 25, 1919	4401 June 25, 1890 Mar. 3, 1897	June 20, 1936 1 2 2 2 2 4 4 4 5 7 1036 5	4403	$\frac{4404}{4405}$ May 27, 1936 3	4407	4409	4412 4413	4414 4414 4414	May 28, 1928 Apr. 5, 1938 May 27, 1936 6.

Table C.—Titles and sections of the United States Code and the corresponding sections of the Revised Statutes and subsequent acts—Continued

	volume	2 600 2 600 2 77 777 777 777 777 777 777 77
1	Date of Act	July 9, 1886 July 24, 1910 do. do. July 23, 1912 July 23, 1912
Revised	section	4488 4488 4488 4488 4486 4486 4490 4491 4491 4493 4494 4495 4496 4496 4496 4496 4496 4496
- 11	Section	475 475 477 477 477 477 477 477 477 477
United States Code	Title	46
Page of	volume	9111888884444488888440008888888888881188
	Section	10004-0
	Date of Act	Apr. 28, 1908  Apr. 28, 1908  do  July 9, 1886
Revised	Statutes	44444444444444444444444444444444444444
	Section	88844444444444444444444444444444444444
United States Code	Title	94

 $\begin{array}{c} \textbf{196} \\ \textbf{221} \\ \textbf{221} \\ \textbf{2222} \\ \textbf{22323} \\ \textbf{22323} \\ \textbf{22324} \\$ 

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4522	4519	4524	4525	4526	4527	4528	4529	4530	4529	4547		4535		4537	4546	4547	4548	4251	4538	4540	4541	4542	4543	4544	4545	4549	4550	4551	1	4552	1	4554	4554	4555
$\frac{576}{2}$	577	591	592	593	594	595	596	597	598	598	599	009	601	602	603	604	605	611	699	623	624	625	626	627	628	641	642	643	643a	644	646	651	651	652
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380   46	38.1	382	382	382	382	382	383	196	196	197	197	21	22	24	24	194	23	186	276	22	186	187	195	187	190	191	191	191	192	192	192	191	192	195
3   380   46	5 381							196	196	197	197	21	22	24	24	194	23	186	66	222	186	187	195	187	190	191	191	191	192	192		19 191		195
m <del>-</del>	4 70	9		00	6			196	196	197	101	21	22	24	1 1 1 1 1 1	June 9, 1874 194	23	186	66	22	186	1 1 1 1 1 1 1 1	Feb. 18, 1895   195	1 1 1 1 1	190	191	191	191	192	192				195
9, 1910	4 70	9	7	00	6	7, 1939	do							4595   24	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	- June 9, 1874		4504					-  Feb. 18, 1895		3 2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		4515   191	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		, 1884 19	do	4521

TABLE C.—Titles and sections of the United States Code and the corresponding sections of the Revised Statutes and subsequent acts—Continued

Page of this volume	200 201 201 201 201 201 201 201 201 201
Section	201400
Date of Act	June 25, 1936 June 16, 1938 Mar. 4, 1915 do.  Jan. 3, 1923 Jan. 3, 1923 June 25, 1936
Revised Statutes section	45575 45573 45575 45575 45580 4588 4588 4588 4588 4596 4600 4600 4600 4600 4600 4600 4600 46
-	6722 6722 6722 6722 6722 672 673 673 688 688 688 688 688 688 688 688 688 68
United States Code Title Section	46
Page of this volume	10000000000000000000000000000000000000
Section	440   II   EEEEEE
Date of Act	June 25, 1936  June 16, 1938  June 26, 1884  June 26, 1884  Mar. 4, 1915  do d
He Revised Statutes section	445558 445559 455538 45559 45569 45569 45565 45565 45565 45569 45569 45569 45569 45569 45569 45569 45569
tes Code Section	653 653 653 653 653 653 653 663 663 663
United States Code Title Section	46

44666666666666666666666666666666666666	150
211284736781384737890012888844442322888	30
Mar. 9, 1920  Mar. 30, 1920  do  do  do  do  Mar. 3, 1925  Mar. 3, 1925  Mar. 40  do  do  do  do  do  do  do  do  do  d	op
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46	_
2221 222222222222222222222222222222222	466
100 01 100 100 100 100 100 100 100 100	11
June 25, 1936  June 19, 1878  Oet. 31, 1893?  Aug. 1, 1912  do  do  do  June 25, 1936  do  do  do  do  do  do  do  do  do  d	do  n.
4608 4608 46110 46110 46112 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48213 48	751   - <sup>2</sup> Joint Resolution
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Table C.—Titles and sections of the United States Code and the corresponding sections of the Revised Statutes and subsequent acts—Continued

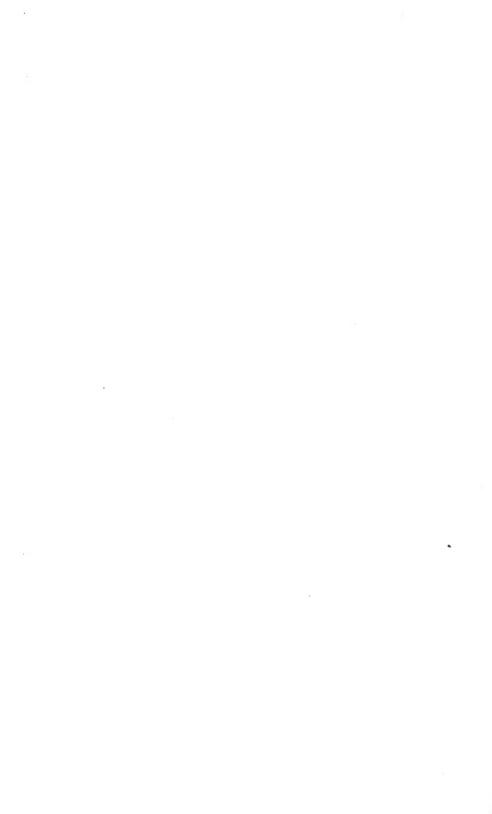
Page of	this volume	555 555 555 555 555 555 555 555 555 55
:	Section	\$2000
II .	Date of Act	June 29, 1936  do
Revised	Statutes	
11	Section	24444444444444444444444444444444444444
United States Code	Title	46
Page of	volume	152 152 152 153 153 153 153 154 155 155 155 155 157 157 157 157 157 157
30	Section	2201 5 4 4 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8
Doto of Aut		June 5, 1920 do
Revised Statutos	section	
1	Section	923 924 926 926 926 927 927 951 951 951 961 972 973 973 973 974 975 975 971 1011 1011 1011
United States Code	Title	46

599 599 599 599 599 599 599 599
808 808 809 800 800 800 800 800 1000 100
June 29, 1936
1224 12256 12267 12273 1224 1224 1224 1225 1225 1225 1225 1225
55 56 57 57 57 57 57 57 57 57 57 57
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June 29, 1936  June 29, 1936  do  do  do  do  do  do  do  do  do  d
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Table C.—Titles and sections of the United States Code and the corresponding sections of the Revised Statutes and subsequent acts—Continued

nanmana.	Page of	this volume	2273 2773 2773 2776 2776 2776 2776 2776
		Section	88 1 9 7 4 9 9 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
sing account of the received between the support their acts		Date of Act	Apr. 12, 1900 Mar. 2, 1917 Aug. 29, 1916  July 1, 1902 Aug. 24, 1912 Aug. 24, 1912 Aug. 21, 1916 Aug. 24, 1912 Aug. 21, 1916 July 5, 1932 Aug. 21, 1916 July 1, 1932 June 22, 1936
nana nasa	Revised	Statutes section	
200 000	es Code	Section	747 749 1004 1004 1005 1005 1016 1017 1018 1318 1318 1338 1338 1338 1339 1339 13
morano faranc	United States Code	Title	48
Jon Lion and	Page of	volume	299 299 300 300 300 300 300 300 300 300 300 3
	5	Section	97 8 8 8 8 8 9 9 9 9 9 9 9 9 9 9 9 9 9 9
	10 A 30 A 20 C	Date of Act	Apr. 16, 1936
	Revised	section	
		Section	1306 1308 1309 1310 1311 1311 1311 1311 1311 1311
	United States Code	Title	48

347 347 493 493 493	
11b 11c 1 2 3	
May 20, 1936	-
	-
181b 181c 191 192 193 193	
50	-
476 435 435 346 346 346	
2 3 1773 7b 7c 7d 7d 9b	
June 3, 1924  May 20, 1936   tion 340	
152 153 177a 177b 177c 177d 177d	Besol
64	House Joint
505084 O - 43 -	44



A			Page
	Page	American-built vessels owned by	
Abandonment of seamenAble seamen, certificate of service as	514	aliens record of	145
Able seamen, certificate of service as	400	American materials 572	, 580
(see also Merchant seamen)	$\frac{198}{451}$	American ports, jurisdiction over for-	228
Apulments	455	American ports, jurisdiction over for- eign seamen in	440
Acquisition of vessels	561	trality Act to	500
Abutments Accidents, report of Acquisition of vessels Admeasurement of vessels	25 29	trality Act toAmerican Samoa, coastwise laws not	
Detween decas	29	American vessels discrimination	267
certificate of particulars as to	146	American seamen in foreign ports,	000
certificate of particulars as to	25	"A marican vessel" defined	$\frac{228}{506}$
vesselcrew accommodations on vessels	20	American vessels, discrimination	500
crew accommodations on vessels bullt after Mar. 4, 1915	26	against (see also Discrimination against American vessels)  Anchor lights	
deckhouses, breaks, etc	28	against American vessels)	375
gross tonnage	28 27 29 25	Anchor lights 399, 409, 421 Anchorage grounds for vessels Animals, inspection of, for export (see also Cattle, livestock, etc.)	, 429 439
hatchways measurement appendix of cabins or staterooms excluded	29	Anchorage grounds for vessels	439
measurement	32	(see also Cattle livestock atc.)	287
cahing or staterooms excluded	92	on passenger vessels	283
	27	Antiscorbutics	$\frac{283}{235}$
of foreign vessels	33	AntiscorbuticsAntismuggling Act	349
vessels exempt from mode of	33	acts constituting prima facie evi- dence vessel engaged in smug-	
mode of	25 30	dence vessel engaged in smug-	050
net tonnagecrew accommodations	30	hoarding vessels	350 349
deductions for other purposes	30	certificate for importation of alco-	040
deductions for other purposes deductions for propelling power_ net (register) tonnage to be	31	gling boarding vessels certificate for importation of alco- holic liquors in small vessels citation of	351
net (register) tonnage to be		citation ofcustoms-enforcement area	353
markedopen vessels	32	customs-enforcement area	349
register, tennage	29 32		353 351
suspension of provisions as to	02	employment or permitting the em-	001
survey, inspection, and meas-		destruction of forfeited vessel —— employment or permitting the em- ployment of vessel in smug-	
register tonnage suspension of provisions as to survey, inspection, and meas- urement water ballast	33	gling	350
Administrative tribunals, intimidation	29	importation in vessels under 30 tons and aircraft lading vessel in foreign port with lading vessel in foreign port with	351
of Witnesses before	611	lading vessel in foreign port with	001
of witnesses beforeAdmiralty, suits in, actslibel in personam against United	463	liquor for importation————————————————————————————————————	352
libel in personam against United	400	liability of citizen, master, and	
States authorized	463 223	members of crew of United States vessel	352
	299		302
for fishing voyage (see also Mer-		procuring lading with intent to de- fraud revenue laws	352
for fishing voyage (see also Merchant seamen)  Aids to navigation  anchorage grounds  exemption from tolls  interference with range lights	196	refusal or revocation of documents or number evidence that vessel	
Aids to navigation	438	or number evidence that vessel	
anchorage grounds	,439 ,439	engaging in smuggling	351
interference with range lights	438	senarahility clause	350 353
Storm and weather signais	438	Appeals, authorized in suits in for-	000
private signalsAircraft, application of navigation and	438	engaging in smugglingseizure and forfeiture of vesselsseparability clauseAppeals, authorized in suits in foreign countries against public vessels	
Aircraft, application of navigation and	425		465
shipping laws to——————entered without payment of duty—entrance and clearance of (see also	435 317	decrees under suits in admiralty	AGA
entrance and clearance of (see also	01.	Appendix	$\frac{464}{612}$
Entrance and clearance air-		amendments to Communications	
craft)	346	Act 1934	$\frac{612}{340}$
Alaska, trade with (see also Trade with insular possessions of United States and the Philip-		"Applicant" defined	340
United States and the Philin-		' land or local rules limits of	
pine Islands)	269	(see also Pilot rules)	416
pine Islands)Alaskan and insular trades, manifests		Appraisement of property seized	526
in	256	value \$1,000 or less	526 527 527
Alcoholic liquors, certificate for importation of, in small vessels (see		act	527
also Antismuggling Act)	351	men)	186
also Antismuggling Act)Alien, sale of registered vessel toAlien seamen, excluded from admissions.	133	Appropriations for nautical schools	602
Alien seamen, excluded from admis-	- 1	Approval by Maritime Commission	136
sion to United States	365	Arbitration, claims coming within the	
hospital treatment of diseased (see	365	suits in admiralty act	465
also Immigration)Amendments to Communications Act	909	before shipping commissioner Armed vessel, detention of	$\frac{221}{491}$
1934	614	foreign, augmenting force of	489
Allotments	223	sending out	402

	rage		rag
Arming of American merchant ves-		Boards, marine casualty investiga-	
sels prohibited	500	tion	459
Arms, export to American countries_	606	Boilers	5
Arms and liquors, sale to Pacific is-	202	Construction of	5
landers	606	Boiler plates (see also Inspection of	-
Army, enforcement of neutrality laws	404	Vessels)	52
by	494	Bond, release of seized property 527.	$\frac{520}{520}$
transports, for conveying merchan-	609	court may refuse to return vessel	023
dise to Guam	228	under	520
Arrest, of seamen United States vessels immune	228	Bonds, from armed vessels, on	021
	463	elegring	490
Arrival, report of	314	Bonds and notes, not required under suits in admiralty act in suits against public vessels in	
from another great district	$\frac{313}{262}$	suits in admiralty act	46
within a great district	$\frac{260}{260}$	in suits against public vessels in	
	510	l loreign countries	46
Articles chipping for coastwise ves-	010	Bonding of carriers	333
Articles, shipping, for coastwise ves- sels (see also Merchant seamen)	195	Breaking and entering vessel	513
in foreign and intercoastal trade	100	Bribery	334
(see also Merchant seamen)	187	Bridges	44
	510	Bridge plers	45
Assistant inspectors, authority of		spans Build, change of	450
Secretary of Commerce to detail_	19	Build, change of	13: 33:
Attachment, wages and clothing of seamen exempt from		Bulk cargo	332
seamen exempt from	224	Bulkheads, watertight	6
Attorney General, evidence of criminal liability in marine casualty		Bullion and coin Burden of proof in actions of for-	250
nal liability in marine casualty		Burden of proof in actions of for-	500
investigations to be forwarded	461	feiture	529
may arrange stipulations in foreign	401	Bureau of Fisheries, enforce Northern Pacific Halibut Act	48
litigation	465	Bureau of Marine Inspection and	10.
reports by, under Public Vessels	400	Navigation, organic laws gov-	
Act	469	erning	(
report of suits, etc., under suits in		assistant inspectors and clerks.	
admiralty act	466	authority of Secretary of Com- merce to detail————————————————————————————————————	
Authority of President to take over		merce to detail	1
vessels of enemy nations	123	assistant inspectors may issue	
Automatic sprinklers	79	certificates	19
Automobile motor, penalty for failure		certificateschange of name ofcreation of technical staff	
to stop	82	creation of technical staff	
Award of compensation to informers_	604	director of	- 1
		establishment of	
			11
' В			1:
_		local inspectors duties and limitations of	13
_	52 <b>6</b>	local inspectors duties and limitations of may issue certificates	13
_	526 526	local inspectorsduties and limitations of may issue certificatesoffenses relating to official duties.	13 13 2
_	526 526 528	local inspectors duties and limitations of may issue certificates offenses relating to official duties_ overtime compensation qualifications of	1: 1: 2: 2:
_	526 526 528 333	local inspectors	19 20 20 10
_	526 526 528 333 529	local inspectors————————————————————————————————————	19 20 20 10
Baggage, appraisement custody of seized disposition of search of seized, release of Bageboat charter 588, 590.	526 526 528 333 529 591 415	local inspectors	10 10 20 10 20 10 20 20 20 20 20 20 20 20 20 20 20 20 20
Baggage, appraisement custody of seized disposition of search of seized, release of Bageboat charter 588, 590.	526 526 528 333 529 591 415 78	local inspectors—duties and limitations of——duties and limitations of——may issue certificates—offenses relating to official duties—overtime compensation——qualifications of—penalty for false certification and acceptance of gratuities—for divulging information received——	18 19 20 10 10 20 20 20 20 20 20 20 20 20 20 20 20 20
Baggage, appraisement	78	local inspectors—duties and limitations of——duties and limitations of——may issue certificates—offenses relating to official duties—overtime compensation——qualifications of——qualifications of——penalty for false certification and acceptance of gratuities——for divulging information received————stationery and equipment for——stationery and equipment for——	18 19 20 10 10 20 20 20 20 20 20 20 20 20 20 20 20 20
Baggage, appraisement	526 526 528 333 529 591 415 78 456	local inspectors— duties and limitations of——— may issue certificates——— offenses relating to official duties— overtime compensation——— qualifications of———— penalty for false certification and acceptance of gratuities——— for divulging information re- ceived————— stationery and equipment for—— powers of supervising inspector and	18 19 20 10 10 20 20 20 20 20 20 20 20 20 20 20 20 20
Baggage, appraisement	78	local inspectors— duties and limitations of——— may issue certificates—— offenses relating to official duties— overtime compensation———— qualifications of————— penalty for false certification and acceptance of gratuities——— for divulging information received————— stationery and equipment for——— powers of supervising inspector and director of Bureau with respect	18 19 20 10 10 20 20 20 20 20 20 20 20 20 20 20 20 20
Baggage, appraisement	78 456	local inspectors—duties and limitations of——duties and limitations of——may issue certificates—offenses relating to official duties—overtime compensation——qualifications of——penalty for false certification and acceptance of gratuities——for divulging information received——stationery and equipment for——powers of supervising inspector and director of Bureau with respect disagreement of local inspec-	11 2: 2: 1' 2: 2: 2: 2:
Baggage, appraisement	78 456 50 514	local inspectors—duties and limitations of——duties and limitations of——may issue certificates—offenses relating to official duties—overtime compensation——qualifications of——penalty for false certification and acceptance of gratuities——for divulging information received——stationery and equipment for——powers of supervising inspector and director of Bureau with respect disagreement of local inspec-	11 2: 2: 1' 2: 2: 2: 2:
Baggage, appraisement	78 456 50 514 500	local inspectors— duties and limitations of——— may issue certificates—— offenses relating to official duties— overtime compensation———— qualifications of————— penalty for false certification and acceptance of gratuities——— for divulging information received————— stationery and equipment for——— powers of supervising inspector and director of Bureau with respect	1: 1: 2: 2: 1: 2: 2: 2: 2:
Custody of seized	78 456 50 514 500 29	local inspectors— duties and limitations of——— may issue certificates— offenses relating to official duties— overtime compensation——— qualifications of————————————————————————————————————	1: 1: 2: 2: 1: 2: 2: 2: 2:
Baggage, appraisement	78 456 50 514 500 29 588	local inspectors— duties and limitations of——— may issue certificates— offenses relating to official duties— overtime compensation——— qualifications of————————————————————————————————————	1: 1: 2: 2: 1: 2: 2: 2: 2:
Baggage, appraisement	78 456 50 514 500 29 588 589	local inspectors— duties and limitations of——— may issue certificates——— offenses relating to official duties— overtime compensation———— qualifications of————————————————————————————————————	1: 1: 2: 2: 1: 2: 2: 2: 2:
Custody of seized	78 456 50 514 500 29 588 589 591	local inspectors— duties and limitations of——— may issue certificates— offenses relating to official duties— overtime compensation——— qualifications of————————————————————————————————————	1: 1: 2: 2: 1: 2: 2: 2: 2:
Baggage, appraisement	78 456 50 514 500 29 588 589 591 595	local inspectors— duties and limitations of——— may issue certificates——— offenses relating to official duties— overtime compensation————————————————————————————————————	1: 1: 2: 2: 1: 2: 2: 2: 2:
Baggage, appraisement	78 456 50 514 500 29 588 589 591	local inspectors— duties and limitations of——— may issue certificates————————————————————————————————————	1: 1: 2: 2: 1: 2: 2: 2: 2:
Custody of seized	78 456 50 514 500 29 588 589 591 595	local inspectors— duties and limitations of——— may issue certificates— offenses relating to official duties— overtime compensation——— qualifications of————————————————————————————————————	1: 1: 2: 2: 2: 2: 2: 2: 2: 2: 2: 2: 2: 2: 2:
Custody of seized	78 456 50 514 500 29 588 589 591 595 587	duties and limitations of  duties and limitations of may issue certificates offenses relating to official duties overtime compensation qualifications of penalty for false certification and acceptance of gratuities for divulging information received stationery and equipment for powers of supervising inspector and director of Bureau with respect disagreement of local inspectors modification of decision on review principal traveling inspectors shipping commissioners as arbiter collector of customs may act as duties of require production of documents	1: 1: 2: 2: 2: 2: 2: 2: 2: 2: 2: 2: 2: 2: 2:
custody of seized	78 456 50 514 500 29 588 589 591 595 587	duties and limitations of  duties and limitations of may issue certificates offenses relating to official duties overtime compensation qualifications of penalty for false certification and acceptance of gratuities for divulging information received stationery and equipment for powers of supervising inspector and director of Bureau with respect disagreement of local inspectors modification of decision on review principal traveling inspectors shipping commissioners as arbiter collector of customs may act as duties of require production of documents	1: 1: 2: 2: 2: 2: 2: 2: 2: 2: 2: 2: 2: 2: 2:
Custody of seized	78 456 50 514 500 29 588 589 591 595 587	duties and limitations of  duties and limitations of may issue certificates offenses relating to official duties overtime compensation qualifications of penalty for false certification and acceptance of gratuities for divulging information received stationery and equipment for powers of supervising inspector and director of Bureau with respect disagreement of local inspectors modification of decision on review principal traveling inspectors shipping commissioners as arbiter collector of customs may act as duties of require production of documents	1: 1: 2: 2: 2: 2: 2: 2: 2: 2: 2: 2: 2: 2: 2:
Baggage, appraisement	78 456 50 514 500 29 588 589 591 595 587	duties and limitations of  duties and limitations of may issue certificates offenses relating to official duties overtime compensation qualifications of penalty for false certification and acceptance of gratuities for divulging information received stationery and equipment for powers of supervising inspector and director of Bureau with respect disagreement of local inspectors modification of decision on review principal traveling inspectors shipping commissioners as arbiter collector of customs may act as duties of require production of documents	1: 1: 2: 2: 2: 2: 2: 2: 2: 2: 2: 2: 2: 2: 2:
custody of seized	78 456 50 514 500 29 588 589 591 595 587 595 587 588	local inspectors— duties and limitations of——— may issue certificates————————————————————————————————————	1: 1: 2: 2: 2: 2: 2: 2: 2: 2: 2: 2: 2: 2: 2:
Custody of seized	78 456 50 514 500 29 588 589 595 595 587 595 587 589 354	local inspectors— duties and limitations of——— may issue certificates— offenses relating to official duties— overtime compensation——— qualifications of————————————————————————————————————	11 12 22 22 22 22 22 22 22 22 22 22 22 2
custody of seized	78 456 50 514 500 29 588 589 591 595 587 595 587 588	local inspectors— duties and limitations of——— may issue certificates——— offenses relating to official duties— overtime compensation———— qualifications of————————————————————————————————————	11 12 22 22 22 22 22 22 22 22 22 22 22 2
custody of seized	78 456 50 514 500 588 589 591 595 587 595 587 595 587 595 589 354 131	local inspectors— duties and limitations of——— may issue certificates—— offenses relating to official duties— overtime compensation——— qualifications of————————————————————————————————————	11 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2
custody of seized	78 456 50 514 500 29 588 589 595 595 587 595 587 589 354	local inspectors— duties and limitations of——— may issue certificates—— offenses relating to official duties— overtime compensation——— qualifications of————————————————————————————————————	11122211 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2
custody of seized	78 456 50 514 500 29 588 589 595 595 587 595 587 589 354 131	local inspectors— duties and limitations of——— may issue certificates— offenses relating to official duties— overtime compensation——— qualifications of————————————————————————————————————	11 12 22 22 22 22 22 22 22 21 10 11 11 11 11 11 11 11 11 11 11 11 11
custody of seized	78 456 50 514 500 29 589 591 595 587 595 587 595 587 595 587 589 354 131 152 306	local inspectors— duties and limitations of——— may issue certificates— offenses relating to official duties— overtime compensation——— qualifications of————————————————————————————————————	11 12 22 22 22 22 22 22 22 21 10 10 10 10 10 10 10 10 10 10 10 10 10
custody of seized	78 456 50 514 500 29 588 589 595 595 587 595 587 589 354 131	local inspectors— duties and limitations of——— may issue certificates— offenses relating to official duties— overtime compensation——— qualifications of————————————————————————————————————	11 12 22 22 22 22 22 22 22 21 10 10 10 10 10 10 10 10 10 10 10 10 10
custody of seized	78 456 50 514 500 29 589 591 595 587 595 587 595 587 595 587 589 354 131 152 306	local inspectors— duties and limitations of——— may issue certificates— offenses relating to official duties— overtime compensation——— qualifications of————————————————————————————————————	1: 1: 2: 2: 2: 2: 2: 2: 2: 2: 2: 2: 2: 2: 2:
custody of seized	78 456 50 514 500 29 589 591 595 587 595 587 595 587 595 587 589 354 131 152 306	local inspectors—duties and limitations of——— may issue certificates——offenses relating to official duties—overtime compensation——qualifications of—penalty for false certification and acceptance of gratuities—for divulging information received——stationery and equipment for——powers of supervising inspector and director of Bureau with respect disagreement of local inspectors——modification of decision on review——principal traveling inspectors——shipping commissioners—as arbiter——collector of customs may act as—duties of———may, engage clerks———may, engage clerks———equire production of documents—offices of—penalty for demanding gratulties—to furnish, bond——seal———supervising inspectors, Board of—composition—duties and functions of————supervising inspectors, Board of—composition—duties and functions of————————————————————————————————————	1: 1: 2: 2: 2: 2: 2: 2: 2: 1: 1: 1: 1: 1: 1: 1: 1: 1: 1: 1: 1: 1:
custody of seized	78 456 50 514 500 29 589 591 595 587 595 587 595 587 595 587 589 354 131 152 306	local inspectors—duties and limitations of——any issue certificates—offenses relating to official duties—overtime compensation—qualifications of—penalty for false certification and acceptance of gratuities—for divulging information received—stationery and equipment for—powers of supervising inspector and director of Bureau with respect disagreement of local inspectors—modification of decision on review—principal traveling inspectors—shipping commissioners—sa arbiter—collector of customs may act as—duties of—duties of—duties of—penalty for demanding gratuities—to furnish, bond—seal—supervising inspectors—supervising inspectors—supervising inspectors—oduties of—composition—duties and functions of—meetings—traveling inspectors—traveling i	11 12 22 22 22 22 22 22 21 11 11 11 11 1
custody of seized	78 456 50 514 500 29 588 589 589 585 587 595 587 131 152 306 340	local inspectors—duties and limitations of—— may issue certificates—— offenses relating to official duties— overtime compensation—— qualifications of——— penalty for false certification and acceptance of gratuities—— for divulging information received——— stationery and equipment for——— powers of supervising inspector and director of Bureau with respect disagreement of local inspectors— modification of decision on review—— principal traveling inspectors——— shipping commissioners————————————————————————————————————	1: 1: 2: 2: 2: 2: 2: 2: 2: 1: 1: 1: 1: 1: 1: 1: 1: 1: 1: 1: 1: 1:
custody of seized	78 456 50 514 500 29 588 589 589 585 587 595 587 131 152 306 340	local inspectors—duties and limitations of——— may issue certificates——offenses relating to official duties—overtime compensation——qualifications of—penalty for false certification and acceptance of gratuities—for divulging information received——stationery and equipment for——powers of supervising inspector and director of Bureau with respect disagreement of local inspectors——modification of decision on review——principal traveling inspectors——shipping commissioners—as arbiter——collector of customs may act as—duties of———may, engage clerks———may, engage clerks———equire production of documents—offices of—penalty for demanding gratulties—to furnish, bond——seal———supervising inspectors, Board of—composition—duties and functions of————supervising inspectors, Board of—composition—duties and functions of————————————————————————————————————	11 12 22 22 22 22 22 22 21 11 11 11 11 1

	Page	Certificate—Continued.	Page
Canadian passenger vessels, transpor-	1	of service 19 as qualified member of engine department (see also Mer- chant seamen)	8, 201
tation passengers by, between Rochester and Alexandria Bay	266	as qualified member of engine department (see also Mer-	
Canadian wrecks	456	chant seamen)	200
Canals, navigation of	453	placing of, for observation	56
Canal boats, employees on, in coast- ing trade, excluded from benefits	- 1	Certified copies of mortgage	$\frac{152}{152}$
inarine-hospital fund	237	exhibition ofChange of, master of registered	
exempt from libel for wages	215	vessei	131
inspection of	48	name	123
in tow, lights for 407, 415, 422 Canal Zone (see also Panama Canal):	2, 430	ownerChannels, obstructing	130 448
radio apparatus on vessels leaving	611	Charter operation. See Private char-	110
jurisdiction of violation	611	ter operation.	
penaltiesCancellation of register	611	"Citizen" defined	506
Capital investment, by contractor 580	138	Citizen of the United States, corpora- tion, partnership or association	
apreal investment, by contractor == 500	596	as	129
for different ports (see also Entry	l	definition of	<b>5</b> 99
for different ports (see also Entry of vessels and merchandise)	322	Citizen seamen, list to be furnished	105
immune from arrest in foreign countries if Government-owned_	465	Secretary of State	195
immune from arrest on United	200	of master	185 125 168
States vessels325	463	of officers	168
residue321	$\begin{bmatrix} 2,526 \\ 517 \end{bmatrix}$	of watch officers of vessels of the	100
running away with or yielding up- weight of bulk	300	United Statessuspension of law by President_	169 169
Parnal Enovaladas	511	requirements on subsidized vessels	204
Carpenter's certificateCarriage of Goods by Sea Act. See	124	requirements on subsidized vessels_ on vessels of the United States_	$\frac{204}{203}$
Carriage of Goods by Sea Act. See		Claims for loss of life	303
Liability of shippers. "Carrier" defined. See Liability of		Classification Act, 1923	303 552 253
shippers.		Clearance of vesselsarriving on Sundays, holidays, or	200
Casualties, marine. See Marine cas- ualties and salvage; also Marine		at night	318
ualties and salvage; also Marine		documents returned at	258
Casualty Investigation Boards. Cattle, livestock, live poultry, and		export declarations	255 258
dairy trade	286	fees for ferry boats exempt	258
dairy trade delivery of inspectors' certificates and of copies	000	form of	255
forgery, alteration or unauthorized	288	outward manifest	318 258 255 258 258 258 254 257
use of marks, labels, or other		frontier vessels licensed deck officer or purser may	251
identification devices or cer-		make	254
tificates	286	l list of consular and diplomatic	
inspection of animals for export certificate of condition	$\frac{287}{287}$	fees manifests in Alaskan and insular	257
inspection of animals imported or	201	manifests in Alaskan and Insular	256
intended for export inspection of carcasses, meat of	288	trades master's oath may be refused by collector of	254
inspection of carcasses, meat of	287	may be refused by collector of	
which is intended for export-	287	not granted to vessel carrying	180
certificates of condition inspection of livestock and meat		cattle for export without in-	
productsno clearance to vessel carrying	286	spector's certificate	. 287
no clearance to vessel carrying		to vessel carrying meat for ex-	
cattle for export without in- spector's certificate	287	port without inspector's cer-	
to vessel carrying meat for ex- port without inspector's cer-		on Great Lakes	
port without inspector's cer-	007	on Lake Champlain	. 257
tificate	287 288	payment of fees condition pre-	OF a
penalty regulation of cattle ships transportation of livestock and live	288 296	permit to touch and trade	$\frac{257}{256}$
transportation of livestock and live		penalty against fishing vessel for	
poultry	289	engaging in foreign trade	3
poultry transportation or sale of meat or meat food products without		without	. 256
complying with provisions in-		relusal of, to vessel relusing to	959
complying with provisions in- spection law violation of rules	288	refusal of, to vessel refusing to accept freightreport and unlading of cargo	258 257
penalty for	$\frac{286}{286}$	requirement forState inspection laws	_ 25
Certificate, authorizing vessel to	200	State inspection laws	_ 250
carry gunpowder, posting of	80	unlawful return of foreign vessel's	258
carpenter's for importation of alcoholic liquors	124	paperswithholding of, to passenger ves	-
in small vessels (see also Anti-		sels	_ 28
smuggling Act)	351	Clerks authority of Secretary of	ř
illegal possession of	174	Commerce to detail	$\begin{array}{ccc} - & 19 \\ - & 23 \end{array}$
of eligibility for licenses to In-	167	Clothing of seamenexempt from attachment	- 23°
of identification (see also Merchant	101	Coal boats, lights for	430
seamen)	206	Coast Guard	_ 38
of inspection	46, 55	acts as agent for other depart	-
of record of American-built vessels	<b>13</b> 3	mentsadditional customs duties under	_ 081 T
owned by aliens	145	additional customs duties under direction of Secretary of Treasury	f
of registry, penalty for counter-		Treasury	- 38
feiting	148	assistance by	_ 38

C.O	oast Guard—Continued.		to transmit report of probable loss	
	authority of officers to enforce pilot	433	to transmit report of probable loss of vessel to Secretary of	
	rules of Theorem	400	Commerce	455
	authority of Secretary of Treasury	- 1	Collision, duty to stand by, in case of-	455 435
	to use of vessels of, for pro-	386	rules to prevent (see also Pilot	100
	tection of revenue	900	rules to prevent (see also Pilot rules)  Collusive bids, construction differen-	393
	claims for damages occasioned by	387	Collusive hids construction differen-	000
	vesselscustoms duties of officers of cut-	901	tial subsidy	568
	customs duties of omcers of cut-	386	Combat areas	499
	tersderelicts, removal ofdetail to remove or destroydetail of vessels for patrol dutydistinguishing insignia		Commerce, domestic (see also Domes-	100
	derelicts, removal of	389	tic commerce)	259
	detail to remove or destroy	389	suspension of, because of contagious	200
	detail of vessels for patrol duty	389		362
	distinguishing insignia	390	diseases	362 480 229
	effect on other lawsenforce Northern Pacific Halibut	385	Commitment and discharge of somen	220
	enforce Northern Pacific Halibut	* 404	Commitment and discharge of seamen	597
	Aat	481	Common carrier, discrimination unlawful acts by Compensation, award of, to informers_	
	ensigns and pennants for cutters,		unlawiui acts by	555
	etclestablishment ofe	386	Compensation, award of, to informers.	604
	establishment of	384	to owners of merchandise for loss	304
	existing laws made applicable to	384	Complement of officersCompromise of claims, by Secretary	170
	facilities may be utilized	391	Compromise of claims, by Secretary	<b>F</b> 00
	immunity of officer in stopping		of Treasury	530
	vessels	386	prohibited, by any officer of the	-
	inland waters defined	385	United States	530
	international agreements on ice		exceptionCondemnation, costs of, how paid	530
	patrol and derelict destruction	391	Condemnation, costs of, how paid	527
	patrol services	391	sale after	$\begin{array}{c} 521 \\ 132 \end{array}$
	in restigation of shipwrocks accom-		Conditions precedent to recordation_	132
	investigation of shipwrecks accompanied with loss of life	388	Corporations, registers to	$\frac{129}{512}$
	banied with loss of measures	384	Conspiracy	512
	jurisdiction oflimitation of authority of members	001	Conspiracy "Construction" defined Construction - differential subsidy,	<b>5</b> 99
	imitation of authority of members	390	Construction - differential subsidy,	
	UL	387	Construction - differential subsidy, American materials	572
	placing warnings over obstructions-	501	amount of	568
	powers and duties of keepers generally	388	application for	567
	generally		bids for construction 568.	572
	residence	388	collusive or excessive bids	568
	publication of rules and regulations	200	conditions of contracts	572
	in Federal Register	392	documentation	571
	in Federal RegisterReserve, establishment of	389	mortgages on ships	571
	classingation and use of vessers	390	plans of vessel	571 571 567
	-tmine woodold	386	nurchago ronlaged shin	574
	to furnish medical aid to fishing		purchase, replaced ship qualifications of applicant	567
	CL6.M8	387	restriction of operation	574 567 574
	use of vessels for private purposes	387	restriction of operation	011
	nangity for Wrongill lise	387	repayments to Commission for	574
	use of vessels for protection of		deviationssale of ships purchasedships financed privately Consul, fees not to be charged for official services to American ves-	574 575 572
	revenue	385	sale of ships purchased	579
	revenuevoluntary organization	390	snips manced privately	512
	weekly reports to collectors of		Consul, fees not to be charged for	
	customs	384	omeiai services to American ves-	550
α.	oasting laws re Alaskan trade	269	sels and seamen	550
χu	O Devolume proportions and and one	200	foreign, enforcement of awards of.	229 551
CC	canal boats excluded from benefits		foreign money	551
	canal poats excluded from benefits	237	naval officer acting as	551 550
	marine-hospital fund	264	postage, foreign, to be paid by	ออบ
	registered vessels in	$\frac{204}{272}$	prohibited from pronting from serv-	
_	with Puerto Rico	267	ices to seamen	551 550 5 <b>5</b> 0
Сс	oasting voyages, foreign vessels on	436	protests to	ออิก
Çα	oastwise, vessels navigating		reports to Secretary of Commerce-	ออบ
Сc	oastwise laws, extension	264	retention of papers of American	
	not applicable American Samoa	267 37	vessels until payment of all demands and wages	
Сc	pastwise, vessels navigating pastwise laws, extension not applicable American Samoa pastwise Load Line Act, 1935 pastwise Load Line	91	demands and wages	550
Сc	pastwise service, forbidden practices	500	services to vessels	550
	relating to	593	shipment in foreign ports before	192
Ca	pastwise passenger transportation	caic	Consular, districts of United States.	192 531 531
	via foreign vessels prohibited	266	allocation of provinces, states, etc.	531
ď	pastwise trade, admission certain		officers	931
•	vessels	266	duty of, as to insubordination.	220
	exemptions for vessels in	194	penalty for failure to conect	
c	pastwise vessels, exempt payment		wagestonnage charges	209
,,,	tonnage tax	371	tonnage charges	373
	inaportion of	44	Contiguous countries, arrival from	329
	shipping articles for (see also Mer-		Contiguous countries, arrival from Continuous discharge books (see also	
	chant seamen)	195	Merchant seamen)	206
c,	shipping articles for (see also Merchant seamen)	157	Merchant seamen) "Contract of carriage" defined	295
•	certificate for enrollment and li-		Contract provisions, Merchant Marine	
	cense	138	Act	592
	duty of	56	Actaccounting methodsaccounting methodsaccounting methods	592
	man refuse clearance for violation	180	discrimination, cargo	596
	report and prosecution of violations		other carriers	597
	of revenue laws	526.	overningtion of accounts	592
	527, 528, 5		holding companiesoperation, foreign flagpreference in award of contracts_purchase of vessels by United	593
	summary sale of seized property	528	operation, foreign flag	593
	disposition of proceeds	$5\overline{28}$	preference in award of contracts.	596
	to receive amount recovered hy		purchase of vessels by United	
	to receive amount recovered by	338	States	592

Contract provisions, Merchant Marine	Page	D	
Act—Continued.	Page	Dairy trade (see also Cattle live.	Page
redress by party discriminated againstservice of portssubsidiariesContracts, charter, award ofperformance bondsprovisions	597	Dairy trade (see also Cattle, live- stock, live poultry, and dairy	
service of ports	596	trade)	286
Contracts, charter award of	593 589	Dangerous articles, mode of packing	441 83
operating subsidy	578	Dangerous articles, mode of packing penalty for unlawfully shipping prohibited on passenger vessels	83
performance bonds	590 590	prohibited on passenger vessels Death, resulting from negligence.	80
readingtment	580	Death, resulting from negligence, etc 511,	524
sale or assignment consent of Commission purchaser subject to terms of	585	amount and apportionment of	
nurchaser subject to terms of	585	contributory negligence	525
	585	recovery negligence exceptions from operation of act limitations	525
rescinding contract of transfer	585	limitations of seaman, recovery for	525 525 525 525 230
without consent	590	pending suits	526
Convention re arrest and imprison- ment of officers and seamen,		pending suits right of action death of plaintiff	526 524 525
ment of officers and seamen, repeal of	220	given by laws of foreign coun-	525
"Convention waters" defined	480	tries	$\frac{525}{524}$
Conveyances, recording of conditions precedent to recordation	131	where and by whom brought	524
	159	Deceased seamen (see also Merchant seamen)	215
Corporation" defined	$\frac{152}{227}$	Deckhouses, breaks, etc	28
"Corporation" defined	340	Decrees funds from to be orgalized	171
	82	to department	466
Court procedure, under suits in	0-	payment in foreign suits	466
carryingCourt procedure, under suits in admiralty act (see also Legal procedure)	463	be appealed	463
Crew, accommodations on vessels	403	Definitions, "American vessel"	506
Dulit after Mar. 4. 1915	26	"applicant"	$\frac{340}{340}$
	213	"calves"	484
worthiness of vessel	513	"carriage of goods"	295
iist or. see merchant seamen.		"citizen"	$\begin{array}{c} 295 \\ 506 \end{array}$
muster of, on motion or informa- tion	199	"citizen of United States"	599
piratical, robbery on shore by quarters, inspection of54,	517	"construction"	480 599
quarters, inspection of 54,	203	Seamen) Seamen) Deckhouses, breaks, etc. Deck officers, watch duty of. Decrees, funds from, to be credited to department. payment in foreign suits. under suits in admiralty act, may be appealed. Definitions, "American vessel". "applicant". "board". "carriage of goods". "carriage of goods". "citizen". "citizen of United States". "construction". "contract of carriage". "convention". "convention waters".	295
requirements, qualifications, and regulations as to—scale of provisions to be allowed and served out to, during	197	"convention" "convention waters" "corporation" "employee"	480
scale of provisions to be allowed		"corporation"	480 340
voyage	189	"employee"	246
shipping commissioner may ship for coastwise or nearby foreign	100	"Federal ship mortgage insurance"_ "foreign commerce"	158
coastwise or nearby foreign voyages	195	"foreign trade" 300.	599
sue for salvage services on Govern-	100	"goods"	295
ment vessels (see also Merchant	400	"halibut"	340 480
seamen)Crimes, definitions, trials, and punish-	466	"high seas"	182
	509	"inland waters"	363
committed in ceded territory	509	"liability of shippers"	295
Cross libels, authorized in suits in admiralty actCruising permits to foreign yachts	463	"maritime employer"	246
Cruising permits to foreign yachts	120	"merchant seamen"	185
Custody of property seized by revenue officers	526	"mortgage"	158
Customhouse, removal of, in case of epidemic disease		"mortgagee"	158 158
epidemic disease	315	"motor boats"	380
Customs, custody, unlawful removal of goods from	333	"new vessel"	576
districts	308	"person" 480, 505.	599
districts	$\frac{308}{308}$	"private corporation"	340
duties of officers of Coast Guard		"seagoing harge"	202
cutters	386   349	"seaman" 237,	363
inspectors, duty of	56	"Secretary"	340
enforcement area inspectors, duty of laws, limitation of actions for		"ship mortgages"	150
violations property seized under	$\frac{605}{520}$	"State" 340,	506
bond	520 125 522	convention waters  "corporation"  "employee"  "foreign commerce"  "foreign trade"  "goods"  "gantee"  "halibut"  "high seas"  "immigrant"  "inland waters"  "martime employer"  "martime employer"  "mortgage"  "mortgagee"  "mortgagee"  "mortgage"  "mot boats"  "new vessel"  "private corporation"  "right whales"  "seagoing barge"  "seagoing barge"  "seaman"  "Sceretary"  "ship mortgages"  "state"  "territorial waters of Canada"  "territorial waters of the United States"  "United States"  "United States"  "Vessel'  "lat, 480, 505, 182, 182, 184, 184, 184, 184, 184, 184, 184, 184	480
officers, administration of oaths by awards to	125 522	States"	480
duty to seize piratical vessels	508	"unrigged vessel" == 300, 346, 494,	202
duty to seize piratical vessels officers and guards, in foreign		"vessel" 116, 480,	505
trade zones	341 333	"vessels" 184,	158
seals, offenses relating to Service to enforce Northern Pacific	000	"water-borne commerce"	$\frac{518}{246}$
Halibut Act	481	"zone"	340

	Page	oath, by corporate officer or agent	
Department of Commerce, organic	1		130
laws governingannual and special reports	4	of master and owner of licensed	139
additional assistant secretary	1	of owner	124
assistant secretary	1	penalty for false oath	24
bureaus in	$\frac{2}{3}$	narmont of diffies on repairs to	139
charges for servicechief clerk and superintendent	1	vessel condition precedent to-	114
	3	ports of	147
establishment of	1 2	by agent or attorney	126
province and duty to	-	forfeiture for false oath	126
vessels or seamen.	5	surrender of	$\tilde{1}\tilde{2}\tilde{9}$
vessels or seamenremission of fines and penalties	5 3	corporations, issuance to penalty for fraudulent	147
reports to Congress	i l		134
reports to Congress———————————————————————————————————		sel	147
requeststatisfical informationstatisfical informationand	3	obstructing officers	149
statistical informationand	3	on sale abroad	$\begin{array}{c} 130 \\ 125 \end{array}$
transfer of duties, power, and	4	place of	120
authorityover mer- transfer of jurisdiction over mer-		ping facilities during war or	
chant vessels, entrance and	4	national emergency; penaltics_	134
clearance, and suppling	2	sea letters temporary register	$\begin{array}{c} 148 \\ 126 \end{array}$
transfer of recordsunder secretarydistrict	2	temporary register	126
	261	surrender of name of, to be	
	259		$\begin{array}{c} 121 \\ 258 \end{array}$
Dereict destruction, international	391	Documents returned at clearance	208
agreements on	389	Domestic cargo, vessels with, not required to make report	263
Derelicts, removal of Desertion, penalty for, after signing	196	Domostic commerce	259
construice articles	190	admission certain vessels coastwise	266
Destitute seamen (see also Merchant	218	trade not applicable coastwise laws not applicable American Samoa	200
seamen) Detention of vessel if loaded un-	95 90	American Samoa	267
		coastwise passenger transportation	266
Dikes	237	via foreign vessels prohibited- exemption on the Mississippi and	200
		tributaries from securing per-	
Discipline and cleaniness on steerage	282	mit for unlading of cargo	262
passenger vessels Discrimination, against American	202	extension coastwise laws	264 268
vessels		foreign tugboats foreign vessels may not transport	200
against other carriers against products of the United	597	merchandise coastwise from	
against products of the United	376	merchandise coastwise from foreign trade zone	266 267
States	555	foreign vessels on coasting voyages-	
in respect of cargo	. 596	foreign-built dredge cannot engage in domestic dredging	268
States as between ports in respect of cargo on Canadian canals redress for	$\begin{array}{cc} 377 \\ 597 \end{array}$	forfeiture of vessel and merchan-	000
redress for	378	dise	268 268
retaliation	. 375	legal procedure notice of seizure of vessel or	
discrimination against American	4		268
fishing vesselsDistress signals	404. 415	great districts	253
District Attorneys, prosecution of	L	a prival within	259 269 269
		demonstrate for another	26
Documentation of vessels 116,	971, 972 r	departure withinimmediate exportation to foreign	259
authority of President to take over	_ 140	immediate exportation to foreign	26
aerponter's certificate	_ 144	registered Vessels III	26
			26
change of name	123		26
change of name  change of owner of registered	đ	ports via foreign ports	20
vesselchange of tradecustody and surrender of register	_ 130		
change of trade	$\frac{139}{128}$		26
custody and surrenuer of register	137-148		
enrollment and license	138 - 148	Alexandria Bay by Canadian passenger vestels	26
consolidated temporary document, issue of	- 141	vessels with domestic cargo not	00
temporary document, issue of	_ 139 _ 136		26
forfeitures prima facie evidence	_ 130		23
form of, enrollment	- 141		
license	_ 14.	of (see also Officers of merchant	17
inspection condition precedent to- license	139-14		- 1
duration OI	_ 14.	of	23
master's oath of citizenship	_ 12	Draft Convention No. 58, provisions	
method of numbering licenses, re newal in former name	_ 14:	of	24 12
new registry on death corporat	0	Draught of registered vessel	45
	13	O. Drawbridges	

	Page	Entry-Continued.	Pag
Dredge, foreign-built, cannot engage	000	Entry—Continued.  for immediate transportation	32
In domestic dredging	268 7 415	for transportation and exportation_	326
Drunkenness of seamen	226	foreign wershandise coastwise	33: 31:
Dumping. See New York harbor.		Iorieitures	338
in domestic dredging Dredges, lights for40 Drunkenness of seamen Dumping. See New York harbor. Dumping into navigable waters pro-		frontier vessels	31
hlblted Duty, neglect of, by seamen	444 226	hovering vessels, examination of illegal boarding of vessel	33
Duty on repairs	316	inspection of merchandise and	33
		paggage	330
E		penalty for failure to submit	33
"Employee" defined	246	lading and unlading of merchandise or baggage	32
"Employee" defined Engineer's license	165	penalties	32
Enrolled and licensed vessels, on the coasts and rivers	118	penalties lading on Sundays, holidays, or	0.04
on the northern frontiers, otherwise	110	at nightlibel of vessels and vehicles	33: 33:
than by sea	118	manifests	210
Enrollment13' change of owner of enrolled vessel	7-148	certification of	32
form of	140	correction of	32
inspection of	140	delivery of falsity or lack of	32 32 32 32
inspection of outside of district penalty, for failure to surrender	140	penalties form and contents of	320
prior to proceeding on foreign		to specify sea and ship's stores_	319 320
voyage	137	oaths of masters and owners	339
for forgery and alteration	148	of ownership on entry	310
for fraudulently obtaining	147	offenses relating to seals officers not to be interested in ves-	333
to corporation138, 141, 143	3, 148	sels or cargo	334
authorization to cornorate omcers		sels or cargo penalty for failure or attempting to depart without report or	
to swear to ownership collector's certificate for	143 138	to depart without report or	319
consolidated	141	entryfor failure to report arrival or	016
offenses against laws pertaining to_	148	to enter vessels permit for unlading merchandise,	318
penalty for forgery and alteration_ for nonfeasance	148 148	passengers, and baggage	323
for nonfeasance————————————————————————————————————	138	place of entry and unlading	318 308
renewal of upon death of compraise	140	ports of	308
officerto corporation	143 143	ports ofpreliminary entrypurser may make entry and clear-	323
ENTRANCE AND CLEARANCE ALCORATE	346	ance	254
application of laws and regulations by Secretary of the Treasury_application of section 7, Air	346	regulations as to boarding arriving	9.00
application of section 7. Air	940	vessels before inspection removal of custombouse	$\frac{337}{315}$
Commerce Actpenalties for violation laws and	348	report of arrival	314 322 327
regulations made applicable to		residue cargo	322
aircraft	347	saloon storessealed vessels and vehicles	331
aircraft	346	search of persons and baggage	333
laws pertaining entrance and		seizure of merchandise or baggage_ report to collector	335 335
clearance of vessels to aircraft	346	seizure of vessels or merchandise_	338
Secretary of Labor may apply immi-		collector to receive amount	
gration laws pertaining to vessels to aircraft	346	recoveredpersons making, pleading gen-	338
summary seizure aircraft author-	ł	eral issue and proving spe-	
torms used in Air Commons Act	347	cial matter	338
terms used in Air Commerce Act	346	special delivery permit for un-	323
Entrance and clearance fees, vessels		statement of gratuitous consular	
calling Virgin Islands exempted payment of	252	service rendered	$\frac{319}{330}$
transfer of jurisdiction over	4	supplies and stores retained on	
Entry, of vessels and merchandise	313	board	326 332 332 331
boarding and discharging inspec-	333	time for unlading bulk cargo	332
compensation and expenses of.	000	touching at foreign ports	331
between portsboarding and search of vessel	334	touring vessels and aircraft entered	
boarding and search of vessel	337 336	without payment of duty transportation through contiguous	317
bonding of carriers	332	COU(1) F168	329
cargo for different ports	322	unlading at port of entry	324 323
boarding vessels bonding vessels bonding of carriers cargo for different ports arrival at another port penalties for failure to have per-	323	extra compensation	323
mit and certified manifest_	323	merchandise	$\frac{327}{323}$
permit for	322	merchandise on Sundays, holidays, or at night_	327
contiguous countries, arrival from- penalties for failure to report or	329	passengers323 penalty	, 324 324
file manifest	329	special permit	328
file manifest	329	special permit unlawful relanding	326
deck officer, licensed, may make entry and clearance	254	removal of goods from customs custody	333
definitions 313	-314	unlading or transsnipment	324
duty on repairs	316	vessels, arriving on Sundays,	318
remission for necessary repairs_ fees	$\frac{317}{319}$	holidays, or at night in violation of quarantine laws	354

	'age		ige
Vessels—Continued. not required to enter	315	Foreign mail-transportation contracts (see also Ocean Mail Service) 2	92
of the United States	314	Foreign merchandise, admission of 8	41
Equipment, use of, unapproved	55 529	coastwise 3	32
Evidence, burden of proof	348	Foreign ports, inspection of seaworth- iness of vessels at2	232
requirements for paying judgments under suits in admiralty act	465	furisdiction over American seamen	
Exceptions to Act June 25, 1936 (866)	907		28
also Merchant seamen) Excursions, special permit for	201   83	touching at {	331
Exempted vessels from provisions	00		228
Officers' Competency Certificates	100	Foreign service, enlisting in	188
Convention, 1936181,	182	Foreign steam passenger Vessels.	88
Explosives, carrying on passenger vessels	283	exception 4 Foreign steam passenger vessels, inspection of	42
causing death or injury by illegal		Foreign trade	599
transportation of high, excluded	88 88	injuring vessels engaged in	5 <b>9</b> 9 <b>194</b>
marking packages carrying	88	interference with, by violent	
on vessels or vehicles with pas-	07	means 4	194
sengers for hireExport declarations	87   255		496 340
Export of, animals (see also Cattle,			344
livestock, etc.)	287		344
arms, to American countries	606		344 341
F		appraisal	341
Toland Designar mublication of mules	- 1	reshipment to zone	341
Federal Register, publication of rules and regulations in	392	shipment to customs territory	341 <b>34</b> 3
Federal ship-mortgage insurance	158	facilities to be provided and	
appropriations	163	maintained	343
authorization of Commission to in- sure mortgages	158	application for establishment of	342
limitation on aggregate amount_	158	granting of	342
creation of fund	158	authorization of the establishment	940
definitionsinsurance of mortgages 159	162	cooperation of board with other	340
onenses and penames	104	agencies	342
payment of insurance after default_	$\begin{array}{c} 160 \\ 162 \end{array}$	cooperation of other agencies with	040
refinancing existing mortgages rules and regulations	163	customs officers and guards	343 341
Fees, consular and diplomatic	257	dofinitions	340
for, change of name of documented	123	expansion of zone	342
vessel clearance	258	number ofoffenses	340 345
entering	319		344
recordationnavigation (see also Navigation	133	cost of customs service	344 343
	251	permission to others to use zone preference as between corporations_	340
payment of, condition precedent to	0==	regidents	344
clearance Ferryboats, exempt from entrance	257	exclusion of goodsretail trade	344 344
and clearance	258	rules as to entering and leaving.	344
exempted payment navigation fees_	252	rules as to entering and leaving- revocation of grant	345
inspection of407	48	right to alter, amend, or repeal act-	345 345
Fines, procedure for collection 526	528	rules and regulations	342
remission of	G	separability of provisions transfer of grant	345
Fire extinguishers	78 <b>79</b>	vessels entering or leaving	345 342
Fire, protection against Fisheries, in Territory of Hawaii	271	coastwise trade	342
sponge	608	Foreign tugboats	268
Fishing crews, Coast Guard to fur- nish medical aid to	387	Foreign vessels, cost of fumigation and disinfection of	356
Fishing voyage, agreement for (see		entry of	314 237
also Merchant seamen)	196	liability of, for hospital charge	237
Florida waters, wrecks inFlorida waters, wrecks inFlorida Florida Fl	457	may not transport merchandise coastwise from foreign trade	
rules) 400, 410, 422	2, 430	7000	266
Forecastle card	191	measurement of	$\begin{smallmatrix} 33\\ 267\end{smallmatrix}$
Fishing vessels, exempt payment ton- nage tax	371	on coasting voyages	258
lights ate (see also International		papers of, unlawful return refusal of clearance to	181
Pilot Rules) 397, 408, 422 penalty for engaging in foreign trade without permit to touch	2, 430	transportation merchandise coast-	265
penalty for engaging in foreign		wise prohibited passengers coastwise prohibited_	266
and trade	256	Foreign voyage, production of seamen listed on return from	
and trade		listed on return from	193 457
inapplicable 403	203 3.414	Foreign waters, wrecks in Foreign-built dredge cannot engage in	
sound signals for	423	domestic dredging	<b>26</b> 8
"Foreign commerce" defined Foreign consuls, enforcement of award of	599		133
Foreign consuls, enforcement of	229	registry 117, Forfeitures 136, by seamen, disposal of 136,	338
Foreign flag, transfer to	<b>5</b> 96	by seamen, disposal of	226
Foreign flag, transfer to Foreign flag vessels	593	procedure for recovering	227

Forfeitures—Continued.	Page		Page
burden of proof in proceedings of	529	Hospital treatment of diseased allen	
for failure to observe neutrality		seamen (see also immigration)  Hospitals on vessels  Hospitalization of seamen  Hours of labor  of licensed officers  of merchant seamen  Houring wessels examination of	365
regulations	493	Hospitals on vessels	26, 282
for false complaint as to provisions	100	Hospitalization of seamen	236
and water	234	Hours of labor	172
prime feete evidence in	136	of licensed officers	172 202 202 335
prima facie evidence in	100	of merchant seamen	202
seizure for	$\frac{520}{528}$	Hovering vessels, examination of	335
for smuggling	528	Unils and equipment	4.4
for taking wrecked property to foreign ports		Hulls and equipment	44
foreign ports	457	-	
Forfeited property 527 disposition of proceeds of remanufacture of	7. 528	I	
disposition of proceeds of	528		
remanufacture of	527	Ice patrol, international agreements	
golo of	7 529	on Ice region, speed of vessel in	391
sale of 527 Forfeited vessel, disposition of	500	Ice region, speed of vessel in	392 5 <b>1</b> 3
Borietted vessel, disposition of	020	Ill treatment of crew	513
rorgery	513	Ill treatment of crew	363
ForgeryFraudulent entry of immigrants as		Immigrant denned	200
seamenFreight, liens forFreight boats, inspection of	366	Immigration	363
Freight, liens for	528	alien seamen excluded from admis- sion to United States definition of "[mmigrant"	200
Freight boats, inspection of	49	sion to United States	365
Frontier vessels, exempt payment		definition of "immigrant"	363
Frontier vessels, exempt payment tonnage taxrequired to clear	371	of "seaman"	363
required to clear	257	dlseased immigrants	366
required to enter	315	foreign officials	368
required to enter	010	fraudulent entry of immigrants as	
C	1	seamen	366
ď	- 1	head tax	
Caraller I		hospital treatment of discosed alien	900
Gasoline in automobiles prohibited	ا م	hospital treatment of diseased alien	90=
on passenger vessels General pilot laws discrimination in pilot rates not	80	seamen	365
General pilot laws	436	illegal landing	367
discrimination in pllot rates not		miscellaneous	368
allowed	436	penalty for illegal transportation	368
allowed pilots on boundaries between		to Philippines	. 369
states.	436	visas Indians, licenses to certificates of eligibility for	363
states	436	Indians, licenses to	167
state regulation of pilots state regulations as to licenses of	400	certificates of eligibility for	167
state regulations as to incenses of		Inflammable materials, shipping	305
pilots of steam vessels and	400	Informore expends to	500
pilot charges	436	Informers, awards to	$\frac{522}{230}$
vessels navigating coastwise and		Injury to seaman, recovery for Inland Pilot Rules (see also Pilot	230
Great Lakes	436	Inland Phot Rules (see also Phot	40-
priots of steam vessels and pilot charges  vessels navigating coastwise and Great Lakes  "Goods" defined.  Government employees travel by	295 597	rules) "Inland waters" defined	405
	597	"Inland waters" defined	385
Government vessels authorized to collect salvage	- 1	Inland waterways	44.60
collect salvage	466	application of other laws	476
'Grantae'' defined	340	capital stock	476
Cratnitica	334	capital stock government-owned boats on	475
Gratuities	204	transportation and terminal facili-	1.0
Great districts (see also Domestic	050	transportation and terminal facili- ties, operation of	476
commerce)	259	Inland Westerman, Comparation	476
Great Lakes, clearance on	257	Inland Waterways Corporation	410
Great Lakes, clearance on pilot rules (see also Pilot rules)_	419	Insignia, official, reproduction of,	= - 0
vessels 44, 86, 181	, 436	prohibited Inspection and examination of passen-	516
carrying persons not passengers.	86	Inspection and examination of passen-	
exempt provisions Officers' Com-	1	ger vessels	284
petency Certificates Conven-		Inspection of, merchandise and bag-	
tion, 1936	181	register, enrollment, and license	330
inspection of	44	register, enrollment, and license	140
navigation of	436	seaworthiness of vessels at domestic	
Guam, shipments of merchandise on	100	ports	231
Army tropeports to	609	Inspection of vessels	42
Army transports toGunpowder, posting of certificate au-	009	authority to promulgate regulations	44
dunpowder, posting of certificate au-	00.1	automatic sprinklers	79
thorizing vessel to carry	80	hoilar plates	50
<b></b>	1	boiler plates	52 53
H	- 1	detail of inspectors to mills	54
	- 1	maximum working pressure	54
'Halibut'' defined	430	stamping	53
Harbor lines	443	penalty for counterfeiting	53
Harter Act	305	thickness of	54
Hatchways	29	boilers, propelling machinery, etc	51
Hawaii trade with (see also Trade		carrying inflammable or explosive	
with Insular Possessions and	- 1	cargo	47
Hatchways————————————————————————————————————	270	carrying persons not passengers on	-•
Philippines)358	200	Great Lakes	86
Health Jerus state	, 200	life processors on	
Health laws, state404,415,426	300	life preservers on	86
neimsmen, orders to 404, 415, 426	, 432	certificate authorizing vessel to carry gunpowder	00
Hemp, penalty for unlawfully earry-		carry gunpowder	80
ing 'High seas'' defined	82	posting of	80
'High seas' defined	182	certificate of	55
offenses deemed on	606	coastwise and Great Lakes	44
Holding companies	593	construction of boilers	52
Home port	122	punishment for improper con-	
records tion at	$122 \\ 122$	struction	52
recordation at	122	control of safety valvas	59
Hospital charge, liability of foreign	99#	carry gunpowder— posting of————————————————————————————————————	52 83
vessels for	237		30
Hospital ships	608	penalty for failure to keep crew quarters	E4 000
designation of by President	608 l	crew quarters	54, 203

dangerous articles prohibited on	Lage	inspection of vessels—Continued, use of unapproved instruments.	rage
passenger vessels; gasoline in		machines or equipment	55
automobiles	80	watchmen on passenger steamers- penalty for failure to keep watertight bulkheads	55 78
documentation conditioned upon	56	penalty for failure to keep	78
duty of collectors of customs and	56	Inspectors, boarding and discharging	833 333
customs inspectorspenalty for failure of	56		86
duty of local inspectors	18, 86	Inspectors, local. See Bureau of Marine Inspection and Navigation,	
exhibit of laws	84	rine Inspection and Navigation,	
ferryboats, canal boats, yachts, and	48	organic laws governing. Inspectors, supervising. See Bureau	
other small craft fire extinguishers	78	of Marine Inspection and Navi-	
foreign steam passenger vessels	42	gation, organic laws governing. Instruction at military schools	
general provisionshulls and equipment	42 4 <b>4</b>	Instruction at military schools	603
liability for damage	84	Instruction in shipbuilding Instruments, use of unapproved	605 55
lifesaving appliances	61	Insular possessions of United States	0.
manning	59	and Philippine Islands	269
Maritime Commission	42 59	Insular trade, manifests in	256
minimum number of officers mode of packing dangerous ar-	50	Insurance of mortgages on chartered vessels (see also Fed-	159
ticles	83	eral ship mortgage insurance)_	590
motor-propelled seagoing vessels of	40	Insurrection, capture of property used	
300 gross tons	49 48	Interconstal Shipping Act 1922 no	519
number of passengers allowable.	85	Intercoastal Shipping Act, 1933, repeal of last sentence, sec. 3 International Convention for the	599
obstructing safety valves	51	International Convention for the	000
obstructing safety valves passenger-carrying barges penalties lien on vessel	78	safety of life at sea	89
penalty, for carrying too many pas-	84	International Pilot Rules (see also	900
sengers	86	Pilot rules) rules for preventing collisions at	393
for failure to comply with in-		sea in effect	382
spection laws	56	Interstate Commerce Commission, reg-	
for failure to stop automobile	82	Ulations by	87
for noncompliance with inspec-	04	Interstate commerce, shipping pack- ages not plainly marked	516
tion requirements	58	Intimidation of witnesses before ad-	0.20
for violating provisions as to or		ministrative tribunals	611
in certificates	84	Investigation Boards. Marine Cas-	
for unlawfully carrying cotton or	82	nalty (see also Marine Casualty Investigation Boards)	459
for unlawfully shipping danger-		In personam suits against United	
ous articles	83	States authorized	463
in cases not provided for	57	_	
Petroleum as means of motive power; discharge at terminal		J	
points	82	Judgments, payment in foreign suits_	466
placing of certificates for observa-		rendered under suits in admiralty	XU.
Dragidant man apply increasion	<b>5</b> 6	adt	463
President, may apply inspection laws to Virgin Islands	43	Jurisdiction over offenses begun in one district	509
may suspend inspection laws	43	and completed in another	519
protection against fire records and reports by local in-	79	transferred from circuit to district	0.1
records and reports by local in-	57	courts	519
registered foreign-built vessels	43	_	
regulations	$\frac{43}{62}$	L	
reinspections	57	I show contracts fling conics of with	
river steamersaccommodation of deck passen-	77	Labor contracts, filing copies of, with Maritime Labor Board	247
gers			301
fire buckets and axes	78	Loading of valuables	UV.
	78 77	Loading of valuables Lading and unlading of merchandise	
life boats	77 77	or baggage	
life boats	77 77 77	or baggageon Sundays, holidays, or at night	
life boats life preservers penalty for not providing proper	77 77 77	on Sundays, holidays, or at night_ Lake Champlain, clearance on	324 332 257 512
life boats life preservers penalty for not providing proper accommodations stairways and gangways	77 77 77	Lateny and unlading of merchandise or baggage — on Sundays, holidays, or at night — Lake Champlain, clearance on — Larceny — Laws, exhibit of, on steam vessel	324 332 257 512
life boats	77 77	Lading and unlading of merchandise or baggage on Sundays, holidays, or at night.  Lake Champlain, clearance on Larceny  Laws, exhibit of, on steam vessel carrying passengers	324 332 257 512
life boats life preservers penalty for not providing proper accommodations stairways and gangways seagoing barges inspection condition precedent to	77 77 77 78 77 50	Laung and unlading of merchandise or baggage on Sundays, holidays, or at night Lake Champlain, clearance on Larceny Laws, exhibit of, on steam vessel carrying passengers Legal holidays17	324 332 257 512 84 2, 202
life boats	77 77 77	Laung and unlading of merchandise or baggage on Sundays, holidays, or at night Lake Champlain, clearance on Larceny Laws, exhibit of, on steam vessel carrying passengers Legal holidays17	324 332 257 512 84 2, 202 519
life boats life preservers penalty for not providing proper accommodations stairways and gangways seagoing barges inspection condition precedent to	77 77 77 78 77 50	Lading and unlading of merchandise or baggage on Sundays, holidays, or at night Lake Champlain, clearance on Larceny Laws, exhibit of, on steam vessel carrying passengers	324 332 257 512 84 2, 202
life boats	77 77 77 78 77 50 50	Lading and unlading of merchandise or baggage on Sundays, holidays, or at night.  Lake Champlain, clearance on Larceny Laws, exhibit of, on steam vessel carrying passengers 17  Legal holidays 17  Legal procedure forfeiture of vessel and merchandise Liability, for damage on steam vessel	324 332 257 512 84 2, 202 519 268
life boats life preservers penalty for not providing proper accommodations stairways and gangways seagoing barges inspection condition precedent to documentation length of towing hawser license of master of towing ves-	77 77 77 78 77 50	Lading and unlading of merchandise or baggage on Sundays, holidays, or at night Lake Champlain, clearance on Larceny Laws, exhibit of, on steam vessel carrying passengers Legal holidays Legal procedure forfeiture of vessel and merchandise Liability, for damage on steam vessel carrying passengers of foreign vessels for hospital	324 332 257 512 2, 202 519 268
life boats	77 77 77 78 77 50 50 51	Lading and unlading of merchandise or baggage on Sundays, holidays, or at night.  Lake Champlain, clearance on.  Larceny.  Laws, exhibit of, on steam vessel carrying passengers.  Legal holidays	324 332 257 513 2, 203 519 268 84 237
life boats	77 77 77 78 77 50 50 51 51 50	Lading and unlading of merchandise or baggage on Sundays, holidays, or at night Lake Champlain, clearance on Larceny Laws, exhibit of, on steam vessel carrying passengers Legal holidays forfeiture of vessel and merchandise Liability, for damage on steam vessel carrying passengers of foreign vessels for hospital charge of shippers	324 332 257 512 2, 202 519 268
life boats	77 77 77 78 77 50 50 51	Lading and unlading of merchandise or baggage on Sundays, holidays, or at night Lake Champlain, clearance on Larceny Laws, exhibit of, on steam vessel carrying passengers Legal holidays Legal procedure forfeiture of vessel and merchandise Liability, for damage on steam vessel carrying passengers of foreign vessels for hospital charge of shippers agreement as to liability prior to	324 332 257 512 2, 202 519 268 84 237 298
life boats life preservers penalty for not providing proper accommodations stairways and gangways seagoing barges inspection condition precedent to documentation length of towing hawser license of master of towing vessel may be suspended or revoked lifesaving appliances penalty for navigating without inspection certificates special permit for excursions steering, navigating, and signaling	77 77 77 78 77 50 50 51 51 50	Lading and unlading of merchandise or baggage on Sundays, holidays, or at night. Lake Champlain, clearance on. Larceny Laws, exhibit of, on steam vessel carrying passengers. Legal holidays	324 332 257 513 2, 203 519 268 84 237
life boats	77 77 78 77 50 50 51 50 50 51 50 83 78	Lading and unlading of merchandise or baggage on Sundays, holidays, or at night.  Lake Champlain, clearance on.  Larceny.  Laws, exhibit of, on steam vessel carrying passengers.  Legal holidays	324 335 257 512 2, 202 519 268 84 237 299 302
life boats	77 77 78 77 50 50 51 50 50 83 78 45	Lading and unlading of merchandise or baggage on Sundays, holidays, or at night Lake Champlain, clearance on Larceny Laws, exhibit of, on steam vessel carrying passengers Legal holidays Legal procedure forfeiture of vessel and merchandise carrying passengers of foreign vessels for hospital charge of shippers agreement as to liability prior to loading or after discharge amount of liability of owner before loading and after dis-	324 335 257 512 84 2, 205 519 268 84 237 299 305 300
life boats	77 77 78 77 50 50 51 50 50 83 78 45 45 45	Lading and unlading of merchandise or baggage on Sundays, holidays, or at night Lake Champlain, clearance on Larceny Laws, exhibit of, on steam vessel carrying passengers Legal holidays Legal procedure forfeiture of vessel and merchandise carrying passengers of foreign vessels for hospital charge of shippers agreement as to liability prior to loading or after discharge amount of liability of owner before loading and after dis-	324 335 257 512 84 2, 202 268 24 299 302 300 298
life boats life preservers penalty for not providing proper accommodations stairways and gangways seagoing barges inspection condition precedent to documentation length of towing hawser license of master of towing vessel may be suspended or revoked lifesaving appliances penalty for navigating without inspection certificates special permit for excursions steering, navigating, and signaling apparatus tank vessels certificates of inspection establishment of regulations tankerman certificates	777 777 777 778 778 777 500 501 50 50 83 78 45 445 447	Lading and unlading of merchandise or baggage on Sundays, holidays, or at night.  Lake Champlain, clearance on.  Larceny.  Laws, exhibit of, on steam vessel carrying passengers.  Legal procedure.  forfeiture of vessel and merchandise carrying passengers of foreign vessels for hospital charge.  of shippers.  agreement as to liability prior to loading or after discharge.  amount of liability of owner.  before loading and after discharge.  bills of lading subject to act.  bills of lading subject to act.  contents.	324 333 257 511 2, 203 24, 203 268 237 299 300 300 300 300
life boats	77 77 78 77 50 50 51 50 50 83 78 45 45 45	Lading and unlading of merchandise or baggage on Sundays, holidays, or at night.  Lake Champlain, clearance on  Larceny  Laws, exhibit of, on steam vessel carrying passengers  Legal procedure  forfeiture of vessel and merchandise carrying passengers of foreign vessels for hospital charge  of shippers  agreement as to liability prior to loading or after discharge  amount of liability of owner  before loading and after discharge  bills of lading subject to act  bills of lading to be issued	324 335 257 512 84 2, 202 268 84 237 298 302 306 306

LiabilityContinued.	Page		Page
of shippersContinued.		Lifesaving medals	601
certain provisions inapplicable to transportation of live ani-		additional tokens of honor for re- peated acts of heroism	601
mals	307	bestowal of medal of second class	602
charterer may be deemed owner compensation, apportionment of_	$\frac{304}{304}$	bestowal on person other than member of Coast Guard	602
definitions	295	Lights 393, 405, 41 on motorboats (see also Pilot rules)	9, 427
discrimination between competing	300	on motorboats (see also Pilot rules)	380 372
shippersduties and rights of carrier	295	Light money (see also Tonnage tax) Limitations. See Statute of limita-	312
effect on other laws	300	tions.	
effective date, retroactive effect foreign trade defined	$\frac{301}{300}$	Limitation of actions for violations customs laws	605
general libel bond	307	Livestock, vessels carrying (see also	000
Harter Act increase of responsibilities and	305	Cattle, livestock, live poultry, and	286
lia bilities	299	dairy trade) Load line acts	
special conditions	299	Coastwise Load Line Act, 1935 detention of vessel if loaded	$\frac{34}{37}$
limitation of	$\frac{306}{302}$	detention of vessel if loaded	39
loss by fire loss of life or bodily injury	302	unlawfully establishment of load lines	37
Supulations inmiting nature	303	foreign vessels, how affected	39 39
for negligence invalid stipulations limiting time for	300	load lines not to be submerged marking lines on vessel and cer-	0.0
nling claims and com-	000	marking lines on vessel and cer- tificate of approval	38
mencing suit owners and masters 30	303	penaltiesposition of lines and drafts to be	40
penalties	306	entered in log book	39
penaltieslien on vessel	306	entered in log bookvessels loading for or proceeding	37
remedics reservedresponsibilities and liabilities of	304	on coastwise voyage by sea_ scope of Act of March 2, 1929 detention of vessel if loaded unlawfully establishment of load lines	34
carrier and ship	295	detention of vessel if loaded	
rights and immunities	$\frac{297}{299}$	unlawfully	35 34
rights and liabilities under other		foreign vessels, how affected	35
enactment	$\frac{299}{305}$	load lines not to be submerged	35
scope of Act. Apr. 16, 1936	300	marking lines on vessel and cer- tificate of approval	34
shipping inflammable materials scope of Act, Apr. 16, 1936 stipulations relieving from exer- clse of due diligence in		penalties	3 <b>6</b>
clse of due diligence in	305	procedure for enforcing position of lines and drafts to be	37
equipping vessels unlawful suspension of provisions by	505	entered in log book	35
President	301	Lobbying, regulation	596
transfer of interest of owner to	304	Local inspectors (see also Bureau of Marine Inspection and Naviga-	
"United States" defined	300	tion, organic laws governing)	15
weight of bulk cargo	300	Log books, entries 39,1	57
Libel bond, general	$\begin{array}{c} 307 \\ 213 \end{array}$	examination of by shipping commis- sioner (see also Merchant	01, 221
Libel for wagesLibel of vessels and vehicles	335	sioner (see also Merchant	221
License, illegal possession of	$174 \\ 142$	Loss of life or bodily injury, liability	221
duration of	141	Loss of life or bodily injury, liability of owner of vessel for (see also	***
form ofinspection of	140	Liability of shippers) Loss of merchandise on vessel by fire	$\frac{302}{302}$
loss of exemption from penalty for exemption	$\frac{143}{143}$	Loss of vessel, report of probable	455
method of numbering	142		
penalty for forgery and alteration.	148 147	M	
penalty for fraudulently obtaining renewal in former name	142	Machines, use of, unapproved	55
renewal in former name return and cancellation of	143	Mail boats in Alaska	<b>26</b> 9
to wreckers on Florida coast	$\frac{142}{457}$	Mail carrying by vessels not in marine mail service	290
vessel 1	39 - 148	Mail contracts. See Ocean mail con-	
Licensed deck omcer or purser may	254	tracts.   Mail service (see also Ocean mail	
make entry and clearance Licensed vessels	118	service)	290
Licensed vessels change of master of oath of master and owner of	144	Mails. See United States mails.	
Licensed vacht required to enter	$\frac{139}{121}$	Mail-transportation contracts, foreign (see also Ocean mail service)	292
Licensed yacht required to enter Licensing and classification of officers		Manifests	319
of merchant vessels (see also Officers of merchant vessels)	164	form of outward in Alaskan_and insular trades (see	254
Licenses (motorboat)	381	also Entry of vessels and	0 = 0
Licenses (motorboat)  Licenses of officers, revocation or	47 461	merchandise)	256 -59
suspension of 4 Licenses of pilots of steam vessels, state regulations as to	41, 401	Manning of inspected vessels	
state regulations as to	436	Manning scales 209, 5	10, 511
charges freight general average	528	Marine casualty investigation boards_ assistants, employment of	460
etc., on seized property (see		casualty involving loss of life	459
Liens	528	l cognister not involving loss of life	459
vessels on Great Lakes	86	compensation ofconduct, immediate investigation	
on motorboats	381	01	700
Lifesaving appliances	61	right to counsel	. 200

Marine casualty investigation boards— Contlnued.	Page	Master-Continued.	Page
criminal liability, evidence of, to be		of vessel with domestic cargo not obliged to make report of such	
forwarded to Attorney Gen-	461	cargo	263
rules and regulations	462	removal of	171
suspension or revocation of license	401	service during war57 Materials and products57	$\frac{169}{2,580}$
or certificateappeals	$\begin{array}{c} 461 \\ 461 \end{array}$	ship construction	572 580
violations and casualties, immediate		Mate's license	165
investigation of witness, coercion or bribery of	$\begin{array}{c} 460 \\ 462 \end{array}$	Mate's license service during war "Maturity date" defined Maybem	169
intimidation of	611	Maybem	158 510
penalty prosecution	462	Mayhem Meat products, inspection of Medal, for merit	286
witness fees and expenses, payment	462	Medal, for merit	$602 \\ 601$
0f	461	lifesaving Medical aid furnished fishing crews	001
witnessesoaths	$\frac{460}{460}$	by Coast Guard	387
subpoenas	460	Medical officers may act as quarantine   officers	360
Marine casualties and salvage	455	Medicines	235
applicability to ships of war assistance and salvage at sea	$\frac{458}{457}$	Merchandise, appraisement burden of proof in forfeiture of	5 <b>26</b> 529
Canadian wrecks	456	compensation to owners for loss	304
duty of master to assist persons in danger	458	custody of seizedentry of (see also Entry of vessels	526
forfeitures for taking wrecked		and merchandise)	313
forfeitures for taking wrecked property to foreign ports license to wreckers on Florida coast	$\begin{array}{c} 457 \\ 457 \end{array}$	and merchandise) forfeited, disposition of	528
remission and recovery of penalties	456	l Guam, shipments on Army trans-	609
remission and recovery of penalties report by owners of damage to towed barges	450	ports inspection of lading and unlading of	330 324
Secretary of Commerce annual	456	lading and unlading of	324 528
Secretary of Commerce annual report to Congress	456	lien for freight or general average loss of, by fire	302
report of accidents penalty for failure	$\begin{array}{c} 455 \\ 455 \end{array}$	loss of, by fireprocedure on seizures	526 527 526
report of probable loss of vessel	455	remanufacture of forfeited report of, to collector	527 526
collectors of customs to transmit		transportation of (see also Domestic	
reports to Secretary of Com- merce	455	commerce) 26 Merchant Fleet Corporation, dissolu-	5-266
mercesalvage service	458	tion of	554
salvors of life to share in remunera-	458	transfer of employees	552
time limit for salvage suits	458	Merchant Marine Act, 1928, repeal of sections	599
wrecking and salvaging treaty wrecks in foreign waters	$\frac{456}{457}$	sections Merchant Marine Act, 1936, as	==0
wrecks in Florida waters	457	amended citation of act	$\frac{552}{600}$
	290	compliance with sec 7 of Merchant	
Marine mail service (see also Ocean mail service)  Marine parades.  Coast Guard may use reserve vessels in patrol of.  Maritime Commission  approvals by  inspection of vessels of (see also Ocean Maritime Commission Ocean Maritime	434	Marine Act, 1920	588 599
Coast Guard may use reserve vessels	200	"citizens of United States"	599
Maritime Commission	$\begin{array}{c} 390 \\ 552 \end{array}$	"construction" "foreign commerce" "foreign trade" "person"	599 599
approvals by	136	"foreign trade"	599
United States Maritime Com-		"person"	599 600
mission) "Maritime employer" defined	42	effective date of act repeal of sections Merchants Marine	600
"Maritime employer" defined Maritime Labor Board	246 <b>248</b>	Act, 1920	599
Maritime labor Board	246	separability clause Merchant marine, fostering develop-	600
declaration of policy	246	ment and maintenance of	552
definitionsduration of act	$\frac{246}{250}$	Merchant seamenallowance for reduction of provi-	185
encouragement of employer-employee		sions	234
agreements and settlements—— consideration and adjustment by	247	application to fishing or whaling	203
representatives	248	vessels or yachtsapprentices	186
Maritime Labor Board	248 250	apprenticesaccount of, on board	189
appropriationsarbitration of disputes	$\frac{230}{249}$	indenture of, to be produced arbitration before shipping com-	187
filing copies of labor contracts	0.45	missioner	$\frac{221}{228}$
with mediation and assistance relating	247	commitment and discharge	228 229
to agreements	249	at Panama Canal Zone	230
report of plan for permanent labor policy	250	certificates of identification	$\frac{206}{209}$
National Labor Relations Board,		exception for unrigged vessels certificates of service 198	8-201
laws unaffected by	246	ag anie seamen	198
Marshals, duty to seize piratical vessels	508	as qualified member of engine department	200
Master, change of	131	for ratings issued without exam-	
citizenship ofduty of, to assist persons in danger	$\begin{array}{c} 168 \\ 458 \end{array}$	nation	$\frac{200}{201}$
license of	165	record of	198
must furnish wage account must permit seamen shore leave	205 234	penalty for service without record of revocation of rules as to certificates of service	200
oath of citizenship	125	or emclency	200
oath of citizenship of recorded vessels, change of	146	suspension of	200

	Dogo	Merchant seamen—Continued.	Page
Merchant seamen—Continued.	Page	log book entries—Continued.	rage
citizenship requirements on vessels	203	offenses	225
of the United States	203	penalty for omitting	222
on subsidized vesselsclothing exempt from attachment_	224	master, must furnish wage account-	205
continuous discharge books	206	permit seamen shore leave	234
exception for unrigged vessels	209	penalty for failure	234 235
corporal punishment prohibited	$\frac{227}{192}$	medicines and antiscorbutics	235
crew list	193	penalty for fallure to keep	235
examination of, by collector production of, on return from	100	minimum age (sea) convention (revised) 1936	243
foreign voyage	193	provisions of	243
rules as to	193	provisions of reservations by United States Government	
deceased seamen21	5-218	Government	243
delivery of wages and effects to shipping commissioner	217	ratification of	245
distribution of wages and effects	211	muster of crew on motion or information	199
by district court	217	offenses and punishments	225
disposal of unclaimed wages and		entry of, in log book	225
effects by district court	218	owners or masters may ship in	100
duties of consular officer	217	certain cases passports	$\frac{186}{185}$
duty of master where seaman dies during voyage	215	penalty, for accepting those engaged	100
penalty for neglect of master	216	in violation of law	191
proceedings in regard to effects	215	for fraud	191 191
recovery for injury to or death	000	for shipment without agreement_	191
of to delly on	230	period, for which seamen signed in	192
shipping commissioner to deliver wages and effects to district		foreign port may be shipped	191
	217	of engagement present freedom of seamen unim-	101
wages and effects of	215	Daired	201
definitions18 destitute21	5, 237	procedure for recovering of penalties	0.07
destitute21	8-219	and forfeitures	227
consul to furnish, with subsist-	218	production of, on return from foreign voyage	193
ence and return passage rate for transportation of, to	220	provisions and water	233
United States	219	complaint as to	233 233
United Statestransportation of, to United States penalty for refusaldischarge and payment of wages	0.0	examination of	233 234 235
States	$\frac{218}{218}$	forfeiture for false complaint weights and measures	234
discharge and navment of wages	$\frac{218}{206}$	repeal of treaties and conventions	$\frac{233}{220}$
discharge in foreign ports	209	report of inspectors as to seaworthi-	
discharge in foreign ports discharge of crew on account of		negg of vessels	232
unseawortniness	$\frac{213}{226}$	requirements, qualifications, and regulations as to crewsrules for shipping articles	107
disposal of forfeitures	226	regulations as to crews	$\frac{197}{190}$
drunkenness	226	rules for shipping articles	191
duty of consular officer as to insubordination	220	exceptionscale of provisions	189
enforcement of awards of foreign		substitutes Secretary of Commerce to enforce	190
consuls	229	Secretary of Commerce to enforce	
examination of witnesses, log books,	221	Act June 25, 1936, and promui-	205
etc., by shipping commissioner- exceptions to Act June 25, 1936	201	Act June 25, 1936, and promul- gate regulations thereunder shipment in foreign ports before	200
towboats	201	consuls	$\frac{192}{192}$
tugs unrigged_vessels	201	l nonalty for failure	192
unrigged vessels	201	shipowners' liability (sick and in- jured seamen) convention, 1936	
exemptions for vessels in coastwise	194	jured seamen) convention,	238
tradeexemption from militia duty	185	provisions of	$\frac{238}{238}$
fishing voyage, agreement for	196	ratification of	243
fishing voyage, agreement for discharge of fishing vessel on	40-	ratification ofreservations by United States	0.40
bond by owner	197	Government	$\frac{243}{187}$
bond by ownerpenalty for violatingrecovery of shares of fish under	196	shipping articles coastwise	195
agreement forecastle card hospitalization of hours of labor illegal shipments (shanghaiing)	197	penalty for desertion	196
forecastle card	191	penalty for failure to sign	195
hospitalization of	236	penalty for failure to join vessel	106
flogal shipmonts (shanghailing)	$\frac{202}{186}$	after signing	196 187
inspection of seaworthiness of vessel	100	foreign	188
at domestic ports	231	intercoastal	187
at domestic portsat foreign ports	232	form of	188
proceedings of crew quarters	231	shipping commissioner may ship for	
or crew quarters	$\frac{203}{233}$	coastwise or nearby foreign	195
payment of charges for	200	sick and disabled, care of	237
found seaworthy	232	omployees on canal hoats in	
refusal to proceed when vessel found seaworthy jurisdiction, over American seamen		coasting trade excluded employees on certain public ves- sels of United States eligible_	237
in foreign ports	228	employees on certain public ves-	ളെ
over foreign seamen in American	228	Sels of United States eligible.	238
legal holidays	202	liability of foreign vessels for hospital charge————————————————————————————————————	237
legal holidayslimit of sum recoverable during		President authorized to receive	
voyage	224	donations	237
voyage list of citizen seamen to be fur- nished Secretary of State	105	slop chest	$\frac{236}{221}$
log book entries	$\frac{185}{221}$	suits by without prepayment or	221
mode of making	$\frac{221}{222}$	slop chestsoliciting, as lodgerssuits by, without prepayment or bond for costs	215

Merchant seamen—Continued.	rage	N	
undermanning	192		age
unlawful shipments void	186	Name of documented vessel to be	
unrigged vessels exempt from sec. 4,			121
Act Inno 25 1936	203	Narrow channels, steering and sailing	
wages	9-215	rules in 403 414	425
advances 21	3. 223	National defense features, ships for	
agreements as to loss of lien or	-,	domestic trade	575
right to	210	National munitions control board	575 503
allotments of	$\tilde{2}\tilde{2}\tilde{3}$	Nautical instruction	603
appropriation of, to costs of con-		Naval lights and recognition sig-	000
viction	214	nals 400,	410
commencement of	211	Naval reserve membership	169
conduct affects right to	212	staff officers	183
conduct affects right to enforcement of forfeitures	214	Naval vessels as nautical school	$\begin{array}{c} 183 \\ 603 \end{array}$
exampt from attachment	$\tilde{2}\tilde{2}\tilde{4}$	Navigable rivers, improvement of by	000
exempt from attachment	213	private or municipal corpora-	
libel for not dependent on freight earned_	211	tions	441
	411	Navigable waters dumning into	441
on discharge in case vessel sold	910	Navigable waters, dumping into	144
foreign	210	prohibited Navigable waters of United States,	444
on justifiable complaint of	210		
payable in gold penalty for failure of consular	214	regulations governing navigation	450
penalty for failure of consular	000	Of	$\substack{ 453 \\ 78}$
omcer to conect	209	Navigating apparatus	18
incapacitated seaman	209	Navigation, aids to (see also Aids to	
penalty for refusal to pay right to, in case of improper	233	navigation)	438 251 252
right to, in case of improper		fees	251
discharge	212	terry boats exempt	252
rules for settlement of	211	schedule of	251
summons for nonpayment	213	triweekly passenger vessel ex- empt	
support of family	224	empt	252
terminate upon loss of vessel	212	vessels calling Virgin Islands	
transportation to place of		exempt	252
shipment	212	laws amended to conform with Act	
shipmenttime for payment of	212	Feb. 16, 1925obstructions to	123
penalty for failure to comply_	212	obstructions to	441
vessels exempt from libel for	215	Navy, enforcement of neutrality laws	
warmth and clothing	236	hv	494
warenes _	202	officers as superintendents or in-	
wearing of sheath kniveswitness fees	227	structors of nautical schools	603
witness fooe	230	Negligence etc resulting in death	
Marshant rescale officers of		Negligence, etc., resulting in death (see also Death resulting from	
mercuant vessers, onicers of	164	negligence) 511	524
Merchant vessels, officers of penalty for serving on without	100	Nontrality	488
transfer of jurisdiction over	180	negligence) 511, Neutralityaccepting commission to serve	-00
transfer of jurisdiction over	4	accepting commission to serve	488
Military transportation	87	against friendly power American Red Cross, transportation	100
Militia duty, exemption from	185	by vessels of	500
Minimum age (sea) convention (re-	0.40	American republics	502
visea) 1936	243	American republicsappropriations for carrying out provisions of Act	002
Minimum number of officers	170	appropriations for carrying out	506
Minimum-manning scales	173	provisions of Act	000
Mississippi River passes	454	armed forces, use of, in enforcement	496
Mitigation or remission of penalties_	604	armed vessels, bonds from, on clear-	.100
Money, obtaining by false pretenses_ Moneys received by Department of	512	armed vessels, bonus from, on clear-	490
Moneys received by Department of		detention of	491
Commerce, disposition of	3	detention of	489
"Mortgage" defined	158	foreign, augmenting force of	492
Mortgages (see also Ship mortgages) -	150	sending outarming of American merchant ves-	402
construction-differential subsidy	571	arming of American merchant ves-	500
insurance of (see also Federal ship		sels prohibitedarming vessel, against friendly	900
mortgage insurance)	159	arming vessel, against irlendly	400
recording of subordination by U. S. M. C	131	1 DOWERS	488
subordination by U. S. M. C	131 586	to cruise against citizens	489
Motorboatscarriage of pilot rules not required_classes of	380	combat areascommerce with states engaged in	499
carriage of pilot rules not required_	383	commerce with states engaged in	407
classes of	380	armed conflict	497
defined	380	compelling foreign vessels to depart_	490
International rules for preventing			491
collisions at sea in effect	382	definitions	505
certain exemptions	382	"American vessel"	506
licenses	381	"citizen"	506
life preservers	381	definitions  "American vessel"  "citizen"  "person"  "state"  "United States"  "vessel"  destruction of, injury to, or improper use of vessels	506 505
lights on	380	"state"	506
lights on means of extinguishing burning	300	"United States"	505
gasoline	382	"vessel"	505
numbering	382	destruction of, injury to, or im-	
penalty for violations	382	proper use of vessels	493
remission of fine or penalty	382	detention of vessel by collector of	
regulations	382	customs	490
regulationssound signals on	381	employment of army and navy to	
Munitions of war, penalty for expor-	001	enforce	494
tation of	606	withholding clearance	491
	509	enforcement of 489,	
Murderattempted	511	financial transactions	501
Mustar of crow on motion or	011	forbidding departure of vessels	492
Muster of crew on motion or information	199	foreign service, enlisting in	488
Mutiny, inciting, on shipboard 51		exception	488
muting, inciting, on surposard or	U, ULT		

Neutrality—Continued.	Page		Pag
foreign trade, interference with, by	40.4	Northern Pacific Halibut Act	48
violent means	494	arrest and seizure  definitions  "commission"  "convention"  "convention waters"  "halibut"  "person"  "territorial waters of Canada"  "territorial waters of the United  States"  "vessel"  detention of vessel and person, for	48
general extent of interference with	496	"commission"	48 48
general penalty provision	505	"convention"	48
injuring vessels engaged in foreign	0.00	"convention waters"	43
commerce	494	"halibut"	48
National Munitions Control Board	503	"person"	48
organizing expedition against		"territorial waters of Canada"	48
friendly power	489	"territorial waters of the United	4.0
preclamation of a state of war	40.7	States	48
between foreign states	$\frac{497}{505}$	detention of vessel and person, for	48
regulationsrepeals of previous joint resolutions_	506	violation of	48
restrictions on use of American	500	enective date	48
ports	502	enforcement	48
seizure of arms and other articles	V -	exemption of commission	48
intended for export	494	enforcementexemption of commission penalties and forfeitures	48
bond for redelivery	496	records and reports, master or	4.0
detention, warrant for jury trial, right to	495	owner	48
jury trial, right to	496	penalties relative to	48
libel and sale	495	rules and regulations testimony of officers	48 48
restoration, petition for	$\frac{495}{496}$	title	48
trial, method of	490	unlawful acts	48
seizure and forfeiture of vessels for failure to observe regula-		Number, official	12
fions	493	certificate of award of	38
separability of provisions	506		
Short title	506	0	
solicitation and collection of funds		Out at the second of the secon	
and contributions	501	Oaths, administration of by customs	105
statement from master cargo w ll not be delivered to other vessels		officers	125 25
not be delivered to other	400	master in clearing vessel upon delivery of letters at post	20
submarines and armed merchant	492	office	291
vessels	503	master and owner of I censed ves-	-0.
travel on vessels of belligerent	303	sel	139
states	500	masters and owners re-collection	
"United States" defined	494	of duties	339
"United States" defined unlawful, taking of vessel out of		officer upon receiving license	16'
port	492	owner prior to registry	124
use of the American flag	505	ownership on entry	316
portuse of the American flag use of the American flag vessels in ports of the United States in time of national		registered staff officers no further certificate required	183 183
states in time of national	493	"Obsolete vessel" defined	576
emergencyNeutrality Act, 1939 (see also Neu-	400	Obstructions to navigation	44
trality)	407	bridge piers and abutments	451
trality) "New vessel" defined	$\bar{576}$	bridge spans	450
New York harbor———————————————————————————————————	470	bridge spansbridges, dams, and dikes	441
dredged matter, disposition of	473	draworidges	451
	473	general obstructions	44
penalty persons liable	473	log regulations	448
persons hable	<b>47</b> 3	Mississippi River passes obstructing channels	$\frac{454}{448}$
dumping, at other place than desig-	471	sunken wrecks	452
nated dumping grounds excuses for deviation	471	Ocean mail contracts, adjustment	564
penalty	471	credit due contractor	567
dumping, permit for	471	discontinuance	564
dumping, permit for penalty for taking or towing boat		suit in court of claims	564
or scow without permit	471	discontinuancesuit in court of claimstransfer to U. S. M. C	567
persons nable	471	Ocean mail service	290
equipment and marking of boats	umo.	carrying toreign letters	290
or scows	472	carrying foreign letters—carrying letters out of the mail on vessels—delivery of letters by master of	90.1
inspectorsappointment of	$\frac{472}{472}$	delivery of letters by master of	291
bribery of	473	vessel	290
penalty	473	foreign mail-transportation con-	~00
duties of	472	tracts	292
powers of	472	contracts for carrying mails be-	
powers of permit, return of	473	contracts for carrying mails be- tween the United States and	
penalty for failure to return refuse, deposit of, in New York	473	foreign countries	292
retuse, deposit of, in New York		discontinuing transportation con-	000
narbor and adjacent waters	470	tracts	293
prohibited	470	how mail transported	$\frac{292}{292}$
penaltyshellfish, taking, or otherwise inter-	470	pay for transporting penalties	$\frac{292}{293}$
fering with navigation in	470	letters carried out of mail	291
arrest and proceudre	470	marine mail service	290
penalty	470	mail carrying by vessels not in	290
openaltysupervisor of harbor	474	postage on letters carried in foreign vessel	
appointment and duties	474	foreign vessel	293
towing vessel, liability of officers of	471	searching vessels for letters seizing and detaining letters	291
Nitroglycerine, packing and marking	85	seizing and detaining letters	-291
transportation of	84	disposition of seizures	292
North Atlantic routes, owner of pas- senger vessel shall give notice of_	392	transportation of Canadian mail through the United States	293

0	Page	Officers of menchant messals Co.	-
Ocean mail service—Continued.	_ ugu	Officers of merchant vessels—Con- tinued.	Pag
vessels to deliver letters at post	201		
office before entryoath of master or person having	291	registered staff officers—Continued.	
oath of master or person having	001	oath of	183 183
charge	$\frac{291}{147}$	no further certificate required_	183
Offenses, against the registry law	147	penalty for employing unregis-	100
committed by seamen	$\begin{array}{c} 225 \\ 606 \end{array}$	tered staff officers	183
deemed on high seas	000	exceptionsqualifications forreplacement of, on foreign voyage	183
Officers' competency certificates convention, 1936 (see also Officers		rople coment of an family	18:
of morehant woodeld	175	revioustion or suppossible of surviva	169
of merchant vessels)		revocation or suspension of certifi-	10
ordetence to increase	164	cate of registryrules and regulations	184
assistance to inspectors	8 563	staff deportment	18
assistance to inspectors citizenship of16 complement of16	170	training	183
offective date	182	uniforms	56. 173
effective dateeffective date of section 5 (a)	184	"vessel of United States" defined	110
avamntad vaccale	184	wage scales	184 173
exempted vesselsexisting statutes unaffected	182	watches	176
"high seas" defined	182	rues and regulations staff department training uniforms "vessel of United States" defined wage scales watches working conditions on subsidized vessels Officers, United States	172
hours of labor	$\hat{172}$	vessels	173
hours of laborlegal holidays	$\tilde{1}\tilde{7}\tilde{2}$	Officers, United States Official number Oil, packing and marking	60
licensing and classification duration of licenses engineer's license	$16\overline{4}$	Official number	12
duration of licenses	164	Oil, packing and marking	8
engineer's license	165	transportation ofOil Pollution Act	84
exhibition of licenses	165	Oil Pollution Act	446
license, required as condition		arrest of offenders	447
precedent to employment	180	procedure	447
issuance without examination_	180	definitions	446
limitations of	180	enforcement personnel liability of vessel	447
oath of officer upon receiving	167	liability of vessel	446
to be deemed certificate of com-		other statutes unaffected	447
petency	180	penalties for violation of	446
licenses to Indians	167	revocation or suspension of licenses	
certificates of eligibility for	167	of officers of offending vessels	447
master or mate acting as pilot	166	Open vessers	29
master's license	165	Operating-differential subsidy:	
mate's license	165	additional subsidy	579
pilot's license	166	when authorized	579
state pilot regulations	171	amount of subsidy 578 application for subsidy	, 580
renewal of licenses	164	application for subsidy	577
replacement of licensed officer on	1.00	contracts, modification or recission	F0!
foreign voyage	169	of 580 readjustment of 578 restrictions 578 sale or assignment of 578	, 288
revocation or suspension of offi- cer's license for refusal to		restrictions 579	570
cer's license for refusal to	105	sale or aggignment of	, 218
"unrigged vessels" defined	165	terms	578
living conditions	$\frac{182}{173}$	default by United States	506
living quarters	173	default by United States payments, withholding	586 588
minimum manning scales	173	profit	589
minimum number of 5	9 170	profitqualifications, applicant	582 577
not to be interested in vessels or	0, 110	vessels	585
cargo	334	reserve funds	582
oath of, upon receiving license	167	statements by applicants	$\frac{582}{577}$
Officers Competency Certificates	-0.	subsidy to charterers	589
Officers Competency Certificates Convention, 1936	175	payment of	589
collector of customs may refuse		Organic laws governing, Bureau of	
clearance for violation of	180	Marine Inspection and Naviga-	
enabling act; exceptions	179	tion. See Bureau of Marine In-	
exempted vessels	$\frac{181}{179}$	spection and Navigation, organic	
existing laws effective		laws governing.	
Great Lakes vessels exempt	181	Department of Commerce. See	
provisions of Draft Convention No. 53		Department of Commerce,	
NO. 33	175	organic laws governing.	000
vessels of less than 200 gross	1.00	Otter Islands, trade with	269
tons exempt	182	Overtaken vessel, lights for	426
ratification of Treaty refusal of clearance to foreign vessels for violation of regulations by board of super- vising inspectors	179	Overtaken vessel, lights for Overtaking vessels 403, 413, 425 Ownership, change of	, 402 191
vessely for violation of	181	Ownership, change of	101
regulations by hoard of super-	101	P	
vising inspectors	179	-	
regulations by Secretary of Com-	1.0	Pacific islanders, selling prohibited	
merce	181	articles to	606
remission or mitigation of pen-		Packing and marking nitroglycerine	•••
alties for violations	181	or oil	85
reservations by the United States	-	Panama Canal	606
government	178	adjustment of claims for injuries	
penalty, employment unlicensed		to vessels, cargo, or passen-	
personner	180	gers	607
for altering certificate of regis-		merchant seamen at	230
try	184	regulations for operation of, gen-	
for fraud	174	erally	607
for serving without license	180	reservation of right to discriminate	
registered staff officers	182	in favor of American vessel Panama Railroad Co., not subject	607
distinguishing insignia of, with	4.00	Panama Railroad Co., not subject	400
Naval Reserve membership	183	to suits in admiralty act	463

	Page		age
Passenger Act of 1882animals carried on passenger ves-	278	carrying, cotton or hemp, unlaw- fully	
animals carried on passenger ves-	000	fully	$\frac{82}{86}$
sels	283	too many passengerscertificates, violating provisions as to or incertified manifest, failure to have	86
boarding vessel	283	certificates, violating provisions as	0.4
boarding vessel.  clearance withheld	$\overline{285}$	to or in	$\begin{array}{c} 84 \\ 323 \\ 530 \end{array}$
dangerous articles carried on pas-	909	certined manifest, failure to have	523
senger vessels	$\frac{283}{284}$	ciaim, anatement of compromise of	990
death of passenger	282	Coast Guard cutter, wrongful use	387
discipline and cleanliness	202	of	462
explosives carried on passenger	283	coercion or bribery of witness	102
	282	collectors of customs, failure per-	56
hospitalsinspection and examination of	202	form duty	90
inspection and examination of	284	collision, failure to give aid in	435
vesselspassenger list submitted to cus-	201	case of conspiracy	514
	283	consul, failure to ship before	$\frac{514}{192}$
penalties for leaving port with-		counterfeiting see letters nessnorts	102
out clearance	285	certificates of registry	148
out clearancesteerage passengers	$-278  \mathrm{I}$	crew ill treatment of	$\hat{5}\hat{1}\hat{3}$
accommodations forberths forlight, air, and accommodations	278	counterfeiting sea letters, passports, certificates of registry————————————————————————————————————	
berths for	279	duty	56
light, air, and accommodations		death resulting from negligence,	
for provisions for privacy of	280	etc	511
provisions for	281 282	delinquencies in transportation of	
privacy of	282	mails	293
penalty for violating	282	departing or attempting to depart without report or entry	
surgeons	282	without report or entry	319
Passengers, count of (see also Pas-		desertion after signing coastwise	
Passengers, count of (see also Passenger Act of 1882)	83	articles	196
death of	284	destruction of vessel by owner	515 515
list of submitted to customs number allowable on cargo vessels_	83	by person other than owner discrimination against other car-	919
submitted to customs	284		E07
number allowable on cargo vessels.	85	dumping New York harbor 470, 471,	597
penalty for carrying too many	86	dumping New York narpor 410, 411,	473 180
penalty for carrying too many transportation of coastwise, via	266	employment unlicensed personnel	183
foreign vessels, prohibited unlading of	324	unregistered staff officers	100
December vegels Consdies between	041	enrollment, failure to surrender,	
Passenger vessels, Canadian between Rochester and Alexandria Bay	266	prior to proceeding on foreign	137
dengarana articles prohibited on	80	voyageexportation of munitions of war	808
dangerous articles prohibited on owner of shall give notice of North	- 00	failure to, deliver former registry	$\frac{606}{137}$
Atlantic routes	392	join vessel	196
Atlantic routeswatchmen onPassing steamers, sound signals	78	keep watchman	78
Passing steamers, sound signals		report accident	$\begin{array}{c} 78 \\ 455 \end{array}$
for403, 414	. 425	report or file manifest	329
Passports	138	shin seaman before consill	192
Passports deposit of deposit	138	sign coastwise articles	$\frac{195}{125}$
penalty for noncompliance	138	false oath of owner for registry	125
penalty for counterfeiting	148	fishing, unlawful  vessel for engaging in foreign trade without permit to touch and trade	608
seamen's	185	vessel for engaging in foreign	
Patrol services, derelict destruction_	391	trade without permit to	
_ ice patrol	391		256
Payment of, duties on repairs to ves- sel condition precedent to docu-		voyage, violating agreement for (see also Merchant seamen)_	• • •
sel condition precedent to docu-	400	(see also Merchant seamen)_	196
mentation	139	Iorgery	513
inspection charges re seaworthi-	699	of enrollment, license, certificate,	140
ness of vessel Penalties, lien on vessel (see also	233		148
Penalties, lien on vessel (see also	84	fraud	$\frac{191}{147}$
Penalty)of seamen, procedure for recover-	04		7.4.1
ing	227	illegal, possession of certificates, licenses, or documents	205
ing recovery of	524		134
recovery of relating to vessels or seamen, re-	021	transfer or use of vessel transportation immigrant	368
funding of	5	Inland pilot rules, violations of, by	000
funding of 5, 181	. 604	l nilot, engineer, mate, or	
Penalty, abandonment of seamen	514	master	415
Penalty, abandonment of seamen accepting seaman engaged in vio-		by vessel 405,	416
lation of law	191	insignia, illegally obtaining	516
Act Feb. 13, 1893, violation of	306	labor contracts with Maritime Labor	
Act Mar. 3, 1899, violation of 444	449	Board, failure to file copies of	247
altering certificate of registry of		larceny	512
accepting seaman engaged in vio- lation of law Act Feb. 13, 1893, violation of444 altering certificate of registry of officer of merchant vessel alteration of enrollment, license, certificate, etc	184	leaving port without clearance of	
alteration of enrollment, license,		passenger vessel	285
certificate, etcarms and liquors to Pacific island-	148	load line36, log book entries, omitting manifests, falsity or lack of	$\begin{array}{c} 40 \\ 222 \\ 320 \end{array}$
arms and liquors to Pacific island-	00.	log book entries, omitting	222
	606	manifests, falsity or lack of	320
arsonassault	510	manaiaughter	510
assault			511
automobile motor follows to de	510	attempted manslaughter	510
automobile motor, failure to stop	82	mayhem	510
barratry	510 82 514	mayhem	$\frac{510}{235}$
barratryCanal Zone, vessels leaving without	82 514	mayhem medicines, failure to keep merchandise and bagage failure	$\frac{510}{235}$
barratry	82	mayhem medicines, failure to keep merchandise and baggage, failure to submit to inspection	$510 \\ 235 \\ 330 \\ 512$

Penalty-Continued.	Page	Penalty-Continued.	Page
Motor Boat Act, violation of	382	Penalty—Continued. wages, failure of consular officer to	
murder	509 511	conect	209
attempted murder51	3. 514	failure of master or owner to pay on time	919
inciting	513	refusal to nav	$\frac{212}{233}$
neglect of master	216	violating fishing agreement	196
neutrality laws, violation	488	violating fishing agreement violating "Harbor Act" Whaling Treaty Act, violation of wireless equipment, failure to pro- wide	306
noncompliance with inspection re-	58	whaling Treaty Act, violation of	486
quirements Northern Pacific Halibut Act	483	vide	610
obstructing officers	149	wiccking	514
Oil Pollution Act, violation of	446	wrongful acts	518
omitting log book entries passengers, carrying too many	$\frac{222}{86}$	Performance bond, on charter con-	500
failure to keep count or list of	83	tracts Periury	590 513
unlading without permit	324	Permit, departing from port of first	0.0
	<b>51</b> 3	Perjury Permit, departing from port of first arrival with cargo for delivery in different districts (see also Entry of vessels and merchan-	
permit, failure to have	323	Entry of vossels and morehan	
permit, failure to have_ pilot rules, violation of by owner, master, or person in charge for Great Lakes and St. Lawrence	433	dise)	322
for Great Lakes and St. Lawrence		dise)special, delivery for unlading mer-	0
River, violation of for Red River of North, etc., by	426	cuantise, passengers, and	000
pilot, engineer, mate, or mas-		touch and trade	$\frac{323}{256}$
ter, violation of	433	unlading merchandise, passengers,	200
piracy by aliens	517	or baggage	323
under color of foreign commis-	F 10	"Person" defined	599
pirates, confederating with	$\frac{517}{517}$	Persons, search of Petroleum as means of motive power_	333
confining master	517	discharge at terminal points	82 82
plundering vessel	515	Philippine Islands, trade with (see	-
radio communication apparatus	610	also Trade with Insular Posses-	
raperape wages or inspection	511	sions of United States and Philippine Islands)	275
refusal to pay wages or inspection charges	233	Philippine vessels exempt payment	210
refuse, deposit of, in New York Har-		tonnage tax	371
bor and adjacent waters	470	Piers and abutments	451
regattas and marine parades, for violation regulations revenue law, failure of collector to report violation to district at-	434	Pilot, charges master or mate, acting as	$\begin{array}{c} 171 \\ 166 \end{array}$
revenue law, failure of collector to	101	service during war	169
report violation to distinct he		state regulations as to	436
torney	526	Pilot rules	393
revolt	$\begin{array}{c} 514 \\ 510 \end{array}$	authority of officers of Coast Guard	433
on shore by piratical crew	517	to enforce regulations duty_to stand by in case of col-	400
on shore by piratical crew running away with, or yielding up		lision	435
vessel or cargo	517	Great Lakes and the St. Lawrence	410
scaled vesselsseaman laying violent hands on	331	River as far east as Montreal_ definitions	419 419
commander	516	fog signals	422
seduction	511	produce boats, fishing boats,	400
serving without license	180	rafts, etc sailing vessel under way	423 423
service without certificate of serv-	201	steam and sailing vessels	422
shellfish, taking, or otherwise inter-		steam vessel under way	422 423
fering with navigation in New	470	vessel at anchor	423
York Harbor channels shipment without agreement	470 191	lightsanehor	$\frac{419}{421}$
shipping dangerous articles unlaw-	101	open boats	422
fullyshipping packages in interstate	83	produce boats, canal boats,	
shipping packages in interstate	E10	fishing boats, rafts, etc	422
commerce not plainly marked_ shore leave, to seamen, failure mas-	516	sailing vessel and vessel in tow	421
ter to permit	234	small vcssels	. 421
speed of vessel in ice region	392	steam vessel, masthead	419
steerage passengers, violating pri-	282	range	420 419
vacy ofsteerage passenger quarters; visit-	204	side	210
ing or frequenting	174	rafts	420
stolen goods, receiving	515	when towing rafts	420
accessory after the factstolen property, receiver of	$\begin{array}{c} 515 \\ 512 \end{array}$	tugsuse of torch by sailing vessel	421
transfer foreign of documented ves-	914	on approach of steamer	422
sel without consent Maritime		vessels of war and Coast	
Commission	133	Guard cutters	422
undocumented vessel engaging in	145	speed in fogsteering and sailing rules	423 424
tradevessel, failure of seamen to join,	140	authority of Board of Super-	1~1
after signing coastwise articles_	196	vising Inspectors to estab-	
vessels, carrying inflammable or	4	lish regulations	426
explosive cargo	$\begin{array}{c} 47 \\ 318 \end{array}$	anthority of Secretary of Com- inerce to establish regu-	
failure to report arrival failure to enter	318	lations	426
wage account, failure master to		course and speed	424
furnish wages, earned, failure of master to	205	course indicated by signals	425 426
wages, earned, failure of master to advance on demand	213	general prudential rule orders to helmsmen	426
autumee on ucmanda	-10		

Pilot rules-Continued.	Page		Page
Great Lakes and the St. Lawrence		International pilot rules	393
River as far east as Montreal—		definitionsdistress signals	393
Continued.		lights, etc	$\frac{404}{393}$
steering and sailing rules—Con- tinued.		anchor	399
overtaking vessel	425	fishing vessels	397
penalty	426	naval, and recognition signals	400 399
precaution	426	overtaken vessel pilot vessels	396
sailing vesselssound signals for passing	424	sailing vessels and vessels in tow-	395
sound signals for passing steamers	425	small steam and sail vessels and	
steam vessel, shall keep out of		open boats	$\frac{395}{395}$
the way of sailing vessel	424	small vesselsspecial	394
shall slacken speed steamers, meeting in narrow	424	[ signal	399
channels	425	steam vessels, masthead	393
passing in narrow channels_	425	range	394 393
two steam vesse's, crossing	$\frac{424}{424}$	under sail by day	400
meeting Inland pilot rules	405	when towing	394
adoption of rules for navigation	-00	time for	393
of harbors, rivers and inland	405	orders to helmsmensound signals in fog, etc	404 400
waters	$\frac{405}{405}$	preliminary	400
definitions distress signals	415	sail vessel under way	400
lights, etc	405	small sailing vessels and boats- steam vessel under way	401
lights, etcanchor	409	vessels at anchor or not under	400
ferryboats, barges, and canal boats in tow, and dredges and vessels working on		Way	401
and vessels working on		vessels towing or towed	401
wiecks, etc	407	speed in fogsteering and sailing rules	401
nsning vessels	408	Course and speed	401 402
naval, and recognition signals- overtaken vessel	410 409	crossing ahead general prudential rule local rules for harbors and inland waters	402
pilot vessels	408	general prudential rule	403
rafts, or other craft, not provided for		local rules for harbors and	404
provided for	409	narrow channels	403
sailing vessels and vessels in	407	overtaking vessels	403
small vessels	407	precaution	404
small vesselsspecial rules by inspectors		preliminaryright of way of fishing vessels_	401 403
authorized	$\frac{415}{409}$	sailing vessels	401
special signalssteam vessels, masthead	406	sound signals for passing steamers	
range	406	steamers	403
side	406	steam vessels shall keep out of the way of	402
under sail by day when towing	$\frac{410}{406}$	sailing vessel	402
time for	405	shall slacken speed or stop	403
United States naval vessels	44.4	limits of application of interna- tional and inland or local rules_	416
and revenue cutters orders to helmsmen	$\frac{414}{415}$	not required to be carried on motor	T.I.
penalty, for violations by pilot,	110	boats	383
engineer, mate or master_ 40:	5, 415	penalty for failure to give aid in	405
for violations by vessel 405	416	case of collision penalty for violation of regulations	435
sound signals in fog, etc preliminary	410	by owner, master, or person in	
raits or other craft not pro-		charge	433
vided for	411	Red River of the North, and rivers	
sail vessel under way steam vessel under way	$\frac{410}{410}$	emptying into the Gulf of Mexico, and their tributaries	427
vessels at anchor or not under	110	adoption of rules	427 427
way	410	definitions	427
vessels towing or towed	410	coal boots trading boots prod	427
speed in fogsteering and sailing rules	$\frac{411}{411}$	uce hoats, canal hoats	
course and speed	413	lights coal boats, trading boats, produce boats, canal boats,	430
crossing ahead	413	open boats	430
general prudential rule overtaking vess: ls	414 413	sailing pilot vessels	428 429
narrow channels	414	sailing vessels	429
precaution	414	sman vessels during bad	
preliminary	411	weather	429
rights-of-way of fishing vessels_ sailing vessels	414	special steam pilot vessels	428 429
sound signals for passing	111	steam vessels, masthead	427
steamers	414	other than ocean-going	
special rules by inspectors	115	steamers and steamers	400
authorized steam vessel	$\frac{415}{411}$	carrying sail side lights	428 427
steam vessel shall keep out of		when towing	428
the way of sailing vessel	413	l Vesseis at anchor	429
shall slacken speed or stop two steam vessels crossing	413 413	vessels of war and Coast Guard cutters	430
		Source Cutters	***

International pilot rules—Continued. Red River of the North, and rivers	Page		Page
emptying into the Gulf of Mex-		maintenance of vessels	590
ico, and their tributaries—Con-		operation-differential subsidy operation, private operators	589 587
tinued.	400	performance bond	590
river navigation sound signals in fog, etc	$\begin{array}{c} 433 \\ 430 \end{array}$	profits	589
steering and sailing rules	431	profits formula for determining payment to Commission	589
Board of Supervising Inspec-		provisions of contract	589 590
tors establish regulations	490	sale of vessels	588
for passing steamers	$\frac{432}{432}$	I torms of charten contracts	590
course and speed general prudential rulc	432	without competitive bid	591
orders to helmsmen	432	Private corporation Genned 463 464	340
overtaking vessels penalty for violation by pilot,	432	Private vessels 463, 464, Commissioning of, for seizure of	, 000
engineer, mate, or master_	433	piratical vessels	508
precaution	432	immune from seizure or arrest for	
precaution preliminary	431	acts committed in Government	464
Sail vessel overtaken	$\begin{array}{c} 432 \\ 431 \end{array}$	suits in personam against United	
sailing vesselssteam vessel, shall keep out of way of sailing vessel shall slacken speed or stop	491	States for acts committed in	400
of way of sailing vessel	431	Government service by	463
shall slacken speed or stop_	432	Probable cause, certificate of Procedure 463, 522, enforcement of fines, penalties, and	523
two steam vessers crossing	431	enforcement of fines, penalties, and	
two steam vessels meeting regattas and marine parades	$\frac{431}{434}$	forfeituresother than criminalsuits in admiralty act, same as in	$\frac{522}{523}$
issuance of regulations	434	other than criminal	523
enforcement of	434	private suits	463
penalties	$\begin{array}{c} 434 \\ 433 \end{array}$	private suits summary trials of offenders	523
transfer of authority and power	400	Proclamation state of war between	407
penalties		foreign states422, 423, Produce boats423,	497
another department where	404	lights for 422, sound signals for 400, "Prolonged blast" defined 400,	430
desirable	434	sound signals for	423
Pilot's license	166	"Prolonged blast" defined 400,	410
Pilotage (see also General pilot laws)	436	Proof, burden of, in actions of forfeiture	529
Piracy	507	Propelling machinery, etc	51
by aliens crimes deemed	$\begin{array}{c} 517 \\ 515 \end{array}$	Property, disposition of forfeited	528
under color of foreign commission_	517	seized, release of	529
use of public vessels to suppress	507	Prosecution Provisional certificate of registry	117
Piratesconfederating with	$\frac{517}{517}$	Provisions, allowance for reduction of	526 117 234 233
confining master	$\frac{517}{517}$	Provisions and water for crew	233
registence of hy morehent vessely	507	Public vessels, arbitration, compromise, settlement, etc	466
Piratical vessels 507 commissioning of private vessels for seizure of condemnation of 507 duty of customs officers and mar-	, 508	authorized to collect salvage	466
for seizure of	508	awards to be to department's credit	466
condemnation of 507.	508	employees on certain, eligible for	238
duty of customs officers and mar-	-00	medical relief immune from arrest or seizure	466
Shais to seize	508	transportation of supplies for	608 507
Plundering vessel	515	use of, to suppress piracy	
"Port" defined	121	Public Vessels Act	468
"Port of documentation" defined	122	arbitration, compromIse, or settle- ment	469
discrimination between	, 996 555	cross-libel or set-off or counterclaim	
restrictions on use of American	502	where United States sues	468
service of Ports, of documentation	596	exemptions and limitations of	469
of entry	$\frac{114}{308}$	liability libel in admiralty against or im-	100
Postage on letters carried in foreign	000	pleader of United States	468
vessel	293	llen not created against public	469
Potomac River, deposit of waste in Poultry, live, vessels carrying (see	454	vessels payment of judgments or settle-	100
also Cattle, livestock, live poul-	i	mentsreports by Attorney General	469
try, and dairy trade)	286	reports by Attorney General	469
Preference in award of contracts	596	subpoenas to officers or members	469
Preferred mortgages (see also Ship mortgages)	150	of crewssuits by nationals of foreign gov-	
Preliminary entry of vessel by master_	323	ernments	469
President of United States_43, 237, 301,	496	venue of Public works, impairing of	468 447
authorized to receive donations for	237	Publication, seizures by revenue	441
sick and disabled seamen discretionary power of, under	~31	officers 526,	527
Neutrality Act may suspend inspection laws	496	Puerto Rico, trade with (see also	
may suspend inspection laws	43	Trade with Insular Possessions of	
may suspend provisions title 1, Act	301	United States and the Phillp- pine Islands)	272
Apr. 16, 1936 Pribilof Islands, trade with	269	Punishment 225,	227 227
Principal traveling inspectors		same and a makibited	997
Private charter operation	14		
construction of	574	offenses committed by seamen	$\tilde{2}\tilde{2}\tilde{5}$
construction of vessels	574 591	offenses committed by seamen Purchase, of vessels by United States	225
construction of vesselsinspection of vessels	574	offenses committed by seamen——— Purchase, of vessels by United States Maritime Commission—————	592 574

Q.	Page	Donister Continued	Page
•		tecgrotif continued.	147
Qualifications for, and method of en-		offenses on death corporate officer	130
rollment and license	138	on sale abroad	130
for registered staff officers	183	penalty, for failure to deliver	100
Qualified member of engine depart-		former	137
ment, certificate of service as	200	for fraudulently obtaining	147
Quarantine inspectionQuarantine and public health in	355	place of	125
Quarantine and public health in		provisional certificate of	117
Hawaii	270	sale to alien	133
Quarantine and sanitation (see also	0 = 4	surrender of	137
Sanitation and quarantine)	354	penalty for failure	137
D.		temporarysurrender of	126
R		vessels entitled to	$\frac{126}{116}$
Radio-communication apparatus	609	Registry law, offenses against	147
Canal Zone, as applied to the	611	Register, deposit of	138
penalty for violating provisions as		penalty for noncompliance	138
to	610	Registered foreign-built vessels, in-	
to regulations requirements as to efficiency of	610	spection of	43
requirements as to efficiency of	610	Registers to corporations	129
substitute for second operator on cargo steamers	610	corporation, partnership, or asso-	
Cargo steamers	9 499	ciation as citizens	129
Rafts, lights for 409 sound signals for 41	1 493	applicability of act to receivers	100
Range lights, interference with	438	and trustees Regulations	$\frac{129}{62}$
Rape	511		02
Ratings issued without examination,	0-1	boarding arriving vessels before inspection	337
certificates of service for	200	Interstate Commerce Commission	87
Reconstruction Finance Corporation	586	Officers' Competency Certificates	٠.
Record, certificate of admeasurement	146	Officers' Competency Certificates Convention, 1936	175
change of masters of recorded ves-		navigation of navigable waters of	
sels	146	United States	453
delivery of certificate of, on entry	147	radio-communication apparatus	609
form of certificate of	146	search of persons and baggage	<b>3</b> 33
of American-built vessels owned by	145	secure sanitary condition of ves-	950
aliensof conveyance of vessel of the United	145	state pilot	$\frac{358}{171}$
States	150	Reinspections	57
of mortgage	150	Reinspections Relanding, unlawful	326
of sale 139	2.150	Remanufacture in lieu of sale Remission or mitigation of penalties_	527
secordation, at home port	122	Remission or mitigation of penalties_	604
conditions precedent to 132	2, 152	Removal of master	171
bill of sale	152	Repeal of laws Repealing statutes	599
conveyance	152	Repealing statutes	601
fees for	133	as affecting existing liabilities	601
mortgagevalidity prior	$\frac{152}{122}$	Reports, annual and special	4
Recording of sale conveyances and	122	arbitration awards, settlement of claims, etccollector's, violations of law	466
mortgages of vessels of the United		collector's violations of law	526
States	131		314
StatesRecords, by local inspectors	57	by master	264
inspection of	133	of damage to towed barges, by	
inspection of of Department of Commerce eded River of the North, pilot rules for (see also Pilot rules) Refusal of seamen to proceed when vessel found seaworthy	2	by master— of damage to towed barges, by owners— annual report of Secretary of	45€
Red River of the North, pilot rules		annual report of Secretary of	
Ior (see also Pilot rules)	427	Commerce to Congress	456
result of seamen to proceed when	232	of local inspectorsas to seaworthiness of vessel	57 232 455
Regattas and marine parados	434	of probable loss of vessel	455
Regattas and marine parades Coast Guard may use reserve ves-	204	to Congress, annual	300
sels in the patrol of	390	Requisition, vessels	597
Registered staff officers (see also		compensation for	597
Registered staff officers (see also Officers of merchant vessels)	182	Residents of foreign trade zone	344
tegistered vessels in the coasting		Residue cargo 322	, 520
trade	264	Revenue cutters, lights on, may be	400
Registry116	-147	Revenue cutters, lights on, may be suspended 414, 422	, 430 461
admission foreign-built vessels to	133	Revocation, certificate of service 200 certificate of registry 184	, 401 461
blank certificates of, to be fur-	128	license	461
nished	120	Revolt	514
Documentation of vessels)	126	Revolt	484
cancenation of	138	River navigation	484 433
change of master of registered	1	River steamers	77
vesseL	131	lights for (see also Inspection of	
custody and surrender of	128	River steamerslights for (see also Inspection of vessels)	428
foreign-built vessels admitted to	117	nivers and Harbors Act, applicable to	451
American form of (see also Documentation	117	Virgin Islands	451
of vessels)	127	Rivers emptying into the Gulf of Mexico, and their tributaries, pilot rules for (see also Pilot rules)	
issuing of forms	128	pilot rules for (see also Pilot	
variations from	128	rules)	427
inspection of	140	Robbery	510
	137	Rules and regulations, by Secretary of Commerce re officers of mer-	
numbering of	128	of Commerce re officers of mer-	40.
Oath by Cornorate omcer or agent	100	cnant vesseis	184
of owner for	$\frac{130}{124}$	publication of, in Federal Register_	$\frac{392}{342}$
Owen or Owner Tol	124	foreign trade zones	042

Page	18	Sanitation and quarantine—Continued. Pag	
Rules, relating to certificates of service	1	services 35 hours of inspection at stations 35	
or efficiency200 relating to crew listlead Pilot		State health laws	0
provent collisions (800 attou		suspension of commerce 36	2
rules) 393	1	treatment of sick and eradication of disease	
S		trespass on quarantine reservations_ 36	32
S		unauthorized entry within or depar- ture from quarantine grounds	
Safety valves, control of 52	2	on onehorages	66
51   50   50   50   50   50   50   50	,	vessels entering United States in violation of laws 36	32
Sail vessels defined395, 407, 421, 429		Trum intected borts subject to	
sound signals for 400, 410, 422, 423	3	State quarantine laws 35 violation of quarantine laws, by	56
steering and sailing rules for 401, 411, 424, 431		violation of quarantine laws, by	32
use of torch by, on approach of	- }		57
steamer		denosit of goods in	$\begin{array}{c} 57 \\ 02 \end{array}$
Saint Lawrence River as far cast as		appropriations for	$0\overline{2}$
	- 1	navy officers as superintendents of	03
Saint Marve River pilot rules for	- 1	Son stores manifests to specify 32	20
(see also Pilot rules) 433	3	Sea letters	48
Saint Paul Islands, trade with 269	9	deposit of	$\frac{38}{48}$
	6	for noncompliance	38
Sale of vessels, acquired by U. S.	5	for noncompliance1 "Seagoing barge" defined2 Seagoing vessels, motor-propelled, of	02
M. C. registered vessel. 131, 133 Shipping Act, 1920 58lyage award to be covered into	ğ		49
record of 131, 133	2	Sea Lion Rock, trade with 2	69
Salaan stores 32	7		<b>33</b> 63
Salvage, award to be covered into	1	Seaman" defined 237, 3 Seamen, abandonment of 5	14
Treasury to department's credit (see also Marine casualties and	1		$\begin{array}{c} 63 \\ 62 \end{array}$
colvego) 40	6	piracy5	16
government vessels authorized to	6	present freedom unimpaired 2	01 66
suit for 46	66		61
		(see also Merchant seamen)	85
Salvaging treaty	- }		$\frac{337}{526}$
tion			526
Sanitation and quarantine	,4	Seaworthiness, inspection of, at do-	231
as quarantine ourcers 22		mestic ports	232
bill of health			340
detail of medical officer at con-		Secretary of Commerce, arbitrate, com-	466
culate	54   55	promise, settle claimsenforce Act June 25, 1936, and pro-	005
food	54	mulgate regulations thereunder_ remission or mitigation of fines, pen-	2 <b>0</b> 5
vessel clearing without 35	54	alties, etc	528
vessels from foreign ports with- out, not entering United		Secretary of State, direct consuls	465
States subject to regula-		claim immunity public vessels Secretary of Treasury, compromise of	100
tions	$\frac{55}{54}$	claims	530
contributions by steamship com-		liens for freight or general average- remission of fines, penalties, etc	$\begin{array}{c} 528 \\ 528 \end{array}$
nanies	60	transfer of sale to another district_	527
cost of fumigation and disinfection of foreign vessels3	56	Secretary of War 477, Guam, shipments of merchandise to,	609
entry of vessels in violation of quar-	5.1	rates and regulations to be	
antine laws3 extending time for entry of vessels	54	prescribed by terminal facilities, under direction	609
subject to quarantine 0	57	of	476
health certificate 398, 3	60	Seduction	511
when procurable	60 60		$\frac{511}{511}$
inspection 3	355	Seizure, arms and other articles in-	
instrumentalities for disinfecting vessels and cargoes and hos-		tended for export	494
pital buildings 3	361	bailing of property seized in vaca-	521
masters or owners of vessels violat-		capture of property used in insur-	519
ing law or making false state- ment as to condition of vessel		claimant not entitled to, when	521
or passenger 3	356	double costs	522
national quarantine3 notice of selection of places for	361	for forfeiture forfeited property	$\frac{520}{528}$
quarantine stations and an-		disposition of proceeds	528
chords contract the contract to the contract t	361	legal procedure	519
	3 <b>6</b> 0 3 <b>5</b> 8	libels, several, against vessel and	522
removal of cargo	356	merchandise and baggage 335,	526
schedule of charges	$\frac{359}{359}$		522
UN VIII CUI			

Seizure—Continued.	Page	) ]	Page
piratical vessels 50	7. 508	Shipwrecks, investigation of, by	
private vessels immune from, when	,,, 000	Shipwrecks, investigation of, by Coast Guard	388
in Government service	463	Shore leave, master must permit	
property, under customs laws	$\frac{520}{520}$	seamen	234
bond	520	Sick and disabled seamen, care of	$\frac{237}{78}$
rclease of	$\frac{529}{522}$	Signalling apparatus	78
prosecution, costs of	522	Slop chest Smuggling (see also Antismuggling	236
report to collectorsale after condemnation	526	Smuggling (see also Antismuggling	
sale after condemnation	521	ACLI	349
under various circumstances	519	Sound signals	400
United States vessels immune from_	463	on motorboats (see also Pilot	
vessels for failure to observe neu-		rules)	381
trality regulations	493	Speed of vessels, in fog 401, 411,	, 423
vessels or merchandise	338	in ice region	392
Service during war Sheath knives, wearing of	169	Sponge fishing	608
Sheath knives, wearing of	227	enforcement by Secretary of Com-	
Shipbuilding, instruction in	605	merce	609
Ship construction	572	jurisdiction of prosecutions	609
"Ship" defined	295	liability of vessels	609
construction for charter 58	37,591	possession prima facie evidence	608
reconditioning for charter	587	punishment for violations of law	609
Ship mortgages	150	Staff department	182
books for collectors of customs, for		Staff department340.	, 506
making indorsements	157	State hearth laws	900
certified copies of	152	State pilot regulations 171,	, 436
failure of master to exhibit		Statute of limitations, general Steam vessel defined 393, 405, 419,	605
documents	153	Steam vessel defined 393, 405, 419,	,427
conditions precedent to record	152	Steam vessels, crossing, steering, and	
definition	150	sailing rules for 413. lights for, when towing_ 394, 406, 420.	. 424
existing, not affected	157	lights for, when towing 394, 406, 420,	, 428
inspection of, and copies from	470	when towing rafts 393, 405, 419	420
records	153	mastnead light	, 427
fees	153	other than ocean-going steamers and	
interest on preferred	152	steamers carrying sail, lights	400
liability of collector of customs	153	for	428
liens discharge of	152	passing, sound signals for 403, 414,	, 425
discharge of	152	special rules by inspectors au-	490
of preferred mortgage	154	thorized415, range lights394, 406	402
foreclosure	154	chall been out of man of calling	, 420
jurisdiction	154	shall keep out of way of sailing	491
possession by marshal	154	102, 410, 424	, 401
procedure	154	cide lights 202 406 410	407
receiver in foreclosure	154	vessel 402, 413, 424 course and speed 402, 413, 424 side lights 393, 406, 419 steering and sailing rules 401, 411, 424	491
persons entitled to	156	under way, sound signals for	, 451
preferred maritime	155	400, 410, 422,	192
prior and subsequent maritime.	159	Steerage passenger quarters, penalty	, 420
on mortgaged vessel	152	for visiting or frequenting (see	
penalty for violation	153	also Passenger Act of 1882)	174
record of notice of claim of, on	152	Steering apparatus	78
mortgaged vessel	157	Steering and sailing rules (see also	10
State statutes superseded	157	Pilot rules) 401	411
waiver of right to of vessel of the United States	150	Pilot rules) 401. Stolen goods, receiving 401.	515
norsons outhorized to procure to	100	accessory after the fact	515
persons authorized to procure re- pairs, supplies, and necessaries_	156	Stolen property, receiver of, penalty	512
notice to	156	Storm and weather signals	438
notice to preferred	150	Subsidiary companies	593
documents covered by, may not	100	exemption	593
be surrendered	155	Subsidized vessels, citizenship require-	
record of	150	ments on	$\frac{204}{173}$
rules and regulations by Secre-		working conditions on	173
tary of Commerce	157	Suits in Admiralty Act	463
sale of vessel	155	arbitration of claims	466
suits in personam in admiralty on		compromise of claims	466
default	155	disposition of moneys recovered by	
termination of mortgagee's interest	155	United States	466
Ship operation	580	exemption of United States vessels	
Shin's stores manifests to enceify	320	and cargoes from arrest or	
Shipowners' liability (sick and injured seamen) convention, 1936.		seizure	463
seamen) convention, 1936	238	exemptions and limitations of li-	
Suippers, naumity of the area Liability	- 1	ability	465
of shippers)	-295	libel in personam	463
of shippers) Shipping, transfer of jurisdiction over	4	libel in personam procedure in cases of payment of judgment, award or set-	463
Shipping Act, 1916, repeal of sections		payment of judgment, award or set-	
0f	599	tlement	466
Shipping articles, for coastwise vessels	195	privately owned vessel, release of,	
in foreign and intercoastal trade (see also Merchant seamen)	1	privately owned vessel, release of, after seizure	464
(see also Merchant seamen)	187	reports as to suits, awards, and	
Shipping commissioners (see also Bureau of Marine Inspection and	l	salvage services, recovery for, by	466
reau of Marine Inspection and		salvage services, recovery for, by	400
Navigation, organic laws govern-	1	vessel or crew	466
ing)	21	seizures in foreign jurisdictions	465
arbitration before	221	settlement of chimsstatute of limitations	466
examination of witnesses, log books.	9 994	statute of minitations	464
etc., by2 may ship crews for coastwise or	3, 221	causes of action on which suits	404
nearby foreign voyages	195	may be brought Suits for penalties and forfeitures	$\frac{464}{519}$
**************************************	100,	~ ~ cate and the state of the contraction of the co	040

0 0 0 11 0 1	Page		ag
Summary forfeiture and salesale unlawful under State law, may	527	Canadian mail through the United	904
be transferred to another dis-		Stateslivestock and live poultry	293
trict	527	through contiguous countries	289 329
Summary sale of seized property	528	Transportation or sale of meat or	
Summary trial of offenders (see also	<b>E</b> 09	meat food products without	000
Trial, summary) Sunken wrecks	$\frac{523}{452}$	complying with inspection law Travel, by Government employees	288 59'
Supervising Inspectors, Board of, au-	102	Traveling inspectors	14
thority to establish regulations		Treaties re arrest and imprisonment	_
for steam vessels passing (see		of officers and seamen, repeal of	220
also Bureau of Marine Inspec-		Trial, place of offenses begun in one district and	519
tion and Navigation, organic laws governing)42	6 439	completed in another	519
Supplies and stores retained on heard	326	summary trial of offenders	523
Surgeons on vessels18 Suspension, certificate of service 20 certificate of registry18	2, 282	amendments of complaint and ad-	
Suspension, certificate of service 20	0, 461	journments	52
certificate of registry 18	461 461	complaint and answer	52
псеиѕе	401	jurors, challenge to	524 524
${f T}$		jury frial penalties and forfeitures, recov-	02.
Tank vagasla immedia	45	ery ofsentence, limit of Tribunals, administrative, intimidation	52
Tank vessels, inspection of Tankerman certificates	45 46	sentence, limit of	52
"Territorial waters of the United	10	Tribunals, administrative, intimidation	01
States" defined	480	of witness before Triweekly passenger vessel exempted	61
Tonnage (see also Admeasurement of		I Davment navigation fees	259
vessels) 27,	30,32	tonnage tax	25: 37: 20:
amount of	$\frac{370}{370}$	Tugs, exception to Act June 25, 1936_	20
coastwise and fishing vessels ex-	310	foreign lights for	26
empt	371	ngnts for	42
consular	373		
discriminating	372	υ	
frontier vessels exempt	$\begin{array}{c} 371 \\ 372 \end{array}$	Undermanning	19
light money Philippine vessels exempt	371	"Underway" defined 393 405	41
provisions of treaties unaffected	370	Undocumented vessels	113
terminated	372	"Underway" defined 393, 405, Undocumented vessels "United States" defined	49
refund of	373	United States mails, carried on U.S.	
repeal of penalties triweekly passenger vessels exempt_ vessels arriving at Virgin Islands	373	shipstransportation of mail alorer	56
vessels arriving at Virgin Islands	371	transportation of mail clerks United States Maritime Commission,	56'
exempt	373	accounting methods	599
exemptTouch and trade, permit to	256	accounting methodsaccounts, examination of	59
	317	acquisition of vessels	59: 56
Towboats	201	l annrongiations and unexpended bel-	
		appropriations and unexpended bal-	25
Trade with Insular Possessions of	49	ances transferred	55
Towboats		ances transferred hids, advertising for, for charters_	588
United States and Fillippine 1s-		ances transferred hids, advertising for, for charters_ awarding charter on	588 588
landsAlaska	269 269	ances transferred hids, advertising for, for charters_ awarding charter on charter without competitive competitive	588 589 59
landsAlaskacoastwise laws	269 269 269	ances transferred hids, advertising for, for charters_ awarding charter on charter without competitive competitive	588 589 59
landsAlaska coastwise laws	269 269	ances transferred hids, advertising for, for charters_ awarding charter on charter without competitive competitive	588 589 59
Alaska	269 269 269	ances transferred hids, advertising for, for charters_ awarding charter on charter without competitive opening rejection of	588 589 589 589 589 589
Alaska	269 269 269	ances transferred hids, advertising for, for charters_ awarding charter on charter without competitive opening rejection of bareboat charter588,590, charter contracts	588 589 589 589 589 599 599
lands	269 269 269 269 269 269	ances transferred hids, advertising for, for charters_ awarding charter on charter without competitive opening rejection of bareboat charter588,590, charter contracts	588 589 589 589 589 589
Alaska ———————————————————————————————————	269 269 269 269 269 269 269 270	ances transferred hids, advertising for, for charters_ awarding charter on charter without competitive opening rejection of588,590, charter contracts bidding, collusion with respect to conviction as rendering persons incligible to receive henefits	588 588 588 588 588 598 598 598
Alaska ———————————————————————————————————	269 269 269 269 269 269 269 270	ances transferred hids, advertising for, for charters_ awarding charter on charter without competitive opening rejection of588,590, charter contracts bidding, collusion with respect to conviction as rendering persons incligible to receive henefits	588 588 588 588 588 598 598 598
Alaska	269 269 269 269 269 270 271 270	ances transferred hids, advertising for, for charters_ awarding charter on charter without competitive opening rejection of bareboat charter 588,590, charter contracts bidding, collusion with respect to conviction as rendering persons ineligible to receive benefits of law fines and penalties	588 588 588 588 588 598 598 598
Alaska	269 269 269 269 269 269 269 270	ances transferred hids, advertising for, for charters_ awarding charter on charter without competitive opening rejection of588,590, charter contracts bidding, collusion with respect to conviction as rendering persons incligible to receive henefits	588 588 588 588 598 598 598 598 598 598
Alaska — — — — — — — — — — — — — — — — — — —	269 269 269 269 269 270 271 270 270 270	ances transferred hids, advertising for, for charters_ awarding charter on charter without competitive opening rejection of	588 589 588 588 588 599 599 599 599 599
lands	269 269 269 269 270 270 270 270 270	ances transferred hids, advertising for, for charters_ awarding charter on charter without competitive opening rejection of	588 589 588 588 588 588 599 599 559 550 560 560 560 560 560 560 560 560 560
lands	269 269 269 269 269 270 271 270 270 270 271	ances transferred hids, advertising for, for charters_ awarding charter on charter without competitive opening rejection of	588 589 588 599 599 599 599 599 556 586 599 556 586 599 599 599 599 599 599 599 599 599 59
Alaska — — — — — — — — — — — — — — — — — — —	269 269 269 269 269 270 271 270 270 270 271	ances transferred hids, advertising for, for charters_ awarding charter on charter without competitive opening rejection of bareboat charter588,590, charter contracts_ bidding, collusion with respect to conviction as rendering persons ineligible to receive benefits of law fines and penalties construction fund transferred construction-differential subsidy construction or reconditioning of vessels contractual power of default of contract	588 589 588 599 599 599 556 586 586 586 586 586 586
Alaska	269 269 269 269 270 270 270 270 270 270 275 275 275	ances transferred hids, advertising for, for charters_ awarding charter on charter without competitive opening rejection of	588 589 588 599 599 599 556 586 586 586 586 586 586
Alaska	269 269 269 269 269 270 271 270 270 271 275 277	ances transferred hids, advertising for, for charters_ awarding charter on charter without competitive opening rejection of bareboat charter 588, 590, charter contracts bidding, collusion with respect to conviction as rendering persons incligible to receive benefits of law fines and penalties construction fund transferred construction fund transferred construction or reconditioning of vessels contractual power of default of contract employees equality of rates as between ports_ forbidden practices, relating to coast-	588 588 588 588 558 559 559 556 558 558 558 558 558 558 558 558
Alaska	269 269 269 269 269 270 271 270 270 271 275 277	ances transferred hids, advertising for, for charters_ awarding charter on charter without competitive opening rejection of	588 588 588 588 558 559 559 556 558 558 558 558 558 558 558 558
lands	269 269 269 269 271 270 270 271 275 277 275 276	ances transferred hids, advertising for, for charters_ awarding charter on charter without competitive opening rejection of	588 588 588 598 598 598 598 598 556 556 556 556 598
lands	269 269 269 269 271 270 270 271 275 277 275 276	ances transferred hids, advertising for, for charters_ awarding charter on charter without competitive opening rejection of	588 588 588 588 598 598 598 598 556 556 558 558 558 558 558 558 558 55
lands	269 269 269 269 270 270 270 271 277 277 277 277 277 277 277 277 277	ances transferred hids, advertising for, for charters_ awarding charter on charter without competitive opening rejection of bareboat charter 588, 590, charter contracts bidding, collusion with respect to conviction as rendering persons incligible to receive benefits of law fines and penalties construction fund transferred construction fund transferred construction or reconditioning of vessels contractual power of default of contract employees equality of rates as between ports_ forbidden practices, relating to coast- wise service relating to employees relating to officers relating to salaries inspection. chartered vessels inspection. chartered vessels inspection.	588 558 558 559 555 555 558 558 558 558
lands	269 269 269 269 270 270 270 270 270 271 2775 2775 2775 2776 2772 2772 2773	ances transferred hids, advertising for, for charters_ awarding charter on charter without competitive opening rejection of bareboat charter 588, 590, charter contracts bidding, collusion with respect to conviction as rendering persons incligible to receive benefits of law fines and penalties construction fund transferred construction fund transferred construction or reconditioning of vessels contractual power of default of contract employees equality of rates as between ports_ forbidden practices, relating to coast- wise service relating to employees relating to officers relating to salaries inspection. chartered vessels inspection. chartered vessels inspection.	588 558 558 558 558 558 558 558 558 558
lands	269 269 269 269 270 270 270 271 275 277 2775 2775 2772 2772 2773	ances transferred hids, advertising for, for charters_ awarding charter on charter without competitive opening rejection of bareboat charter588,590, charter contracts bidding, collusion with respect to conviction as rendering persons ineligible to receive benefits of law fines and penalties construction fund transferred construction differential subsidy construction or reconditioning of vessels contractual power of default of contract employees equality of rates as between ports_ forbidden practices, relating to coast- wise service relating to employees relating to employees relating to officers relating to officers relating to officers investigations investigations investigative powers of	58889955885555555555555555555555555555
lands	269 269 269 270 270 270 270 277 277 277 277 277 277	ances transferred hids, advertising for, for charters_ awarding charter on charter without competitive opening rejection of bareboat charter 588, 590, charter contracts bidding, collusion with respect to conviction as rendering persons incligible to receive benefits of law fines and penalties construction fund transferred construction fund transferred construction or reconditioning of vessels contractual power of_ default of contract employees_ equality of rates as between ports_ forbidden practices, relating to coast- wise service relating to officers relating to salaries inspection, chartered vessels investigations investigative powers of lobbying, regulatiou inspection investigative_powers of lobbying, regulatiou	58889558855555555555555555555555555555
Alaska	269 269 269 269 270 270 270 271 275 277 2775 2775 2772 2772 2773	ances transferred hids, advertising for, for charters awarding charter on charter without competitive opening rejection of	58885558855555555555555555555555555555
lands	269 269 269 269 270 270 271 275 277 277 277 277 277 277 277 277 277	ances transferred hids, advertising for, for charters_ awarding charter on charter without competitive opening rejection of safety contracts_ bareboat charter 588, 590, charter contracts_ bidding, collusion with respect to conviction as rendering persons ineligible to receive benefits of law fines and penalties construction fund transferred construction differential subsidy construction or reconditioning of vessels contractual power of default of contract employees equality of rates as between ports_ forbidden practices, relating to coast- wise service relating to employees relating to employees relating to salaries investigations investigations investigation power of lobbying, regulatiou manning and wage scales foreinted	5888998889999 999555 55555 55556668889988899
lands	269 269 269 270 270 270 270 277 277 277 277 277 277	ances transferred hids, advertising for, for charters_ awarding charter on charter without competitive opening rejection of sareboat charter	588855885555 99555 55555 55555555555555
lands	269 269 269 269 270 270 270 270 270 271 270 271 277 2775 2775 2772 2772 2773 2774 340 134	ances transferred hids, advertising for, for charters awarding charter on charter without competitive opening rejection of	5888855588889599 999566 855555 5555555555
lands	269 269 269 269 271 270 270 271 277 277 277 277 277 277 277 277 277	ances transferred hids, advertising for, for charters_ awarding charter on charter without competitive opening rejection of street contracts blackbarter contracts blidding, collusion with respect to conviction as rendering persons ineligible to receive benefits of law fines and penalties construction fund transferred construction differential subsidy construction or reconditioning of vessels contractual power of default of contract employees equality of rates as between ports_ forbidden practices, relating to coast- wise service relating to employees relating to officers relating to officers relating to salaries investigative powers of lobbying, regulatiou mail contracts 564, manning and wage scales maritime problems cooperation with others discriminatory charges on ex- norts	58888888888888888888888888888888888888
lands	269 269 269 269 270 270 270 270 270 271 270 271 277 2775 2775 2772 2772 2773 2774 340 134	ances transferred hids, advertising for, for charters_ awarding charter on charter without competitive opening rejection of street contracts blackbarter contracts blidding, collusion with respect to conviction as rendering persons ineligible to receive benefits of law fines and penalties construction fund transferred construction differential subsidy construction or reconditioning of vessels contractual power of default of contract employees equality of rates as between ports_ forbidden practices, relating to coast- wise service relating to employees relating to officers relating to officers relating to salaries investigative powers of lobbying, regulatiou mail contracts 564, manning and wage scales maritime problems cooperation with others discriminatory charges on ex- norts	5888855588889599 999566 855555 5555555555

United States Maritime Commission-	Page	Vessels—Continued.	Page
Continued. obsolete tonnage	560	carrying inflammable or explosive	47
relative costs at yards tramp service	560 560	clearance of (see also Clearance of	
obsolete vessels, exchange of	576	vessels) custody_of_seized	$\frac{253}{526}$
officersoperating competing foreign-flag	552	appraisementdestruction of intury to or im-	526
operating competing foreign-flag vessel forbidden operating-differential subsidy	593 577	proper use of	493
operation of vessels	587	by person other than owner	$\frac{515}{515}$
pecuniary interest of contractor in subsidlary companies forbid-	- 1	appraisement destruction of, injury to, or improper use of destruction of, by owner by person other than owner documentation of (see also Documentation of vessels) domestic trade, for employment of, for public purposes entitled to registry	116
private charter operation	593 589	domestic trade, for	575
eligibility of charterer	590	entitled to registry	608 116
program, completion of purchase, replaced ships	587 574	entitled to registryentry of (see also Entry of vessels and merchandise)	313
purchase, replaced shipspurchase of requisition of vessels	592	exempt from measurement fishing, exempt payment tonnage	33
by United Statesamount of payment	592	tax	371
recordsreports to congress	558 556	foreign, entry ofinjuring, engaged in foreign com-	314
requisition, vessels	597 597	merce	494
reports to congress requisition, vessels compensation for sale, vessels studies subordination of mortgages survey of existing merchant marine	5, 587	in ports of the United States in time of national emergency.	493
subordination of mortgages	586	inspection of (see also Inspection of vessels)	42
survey of existing merchant marine for creation of adequate Ameri-		loading for or proceeding on coast-	37
can owned fleettraining and organization of mer-	557	navigating coastwise and Great	
chant marine personnel	561	not required to enter	$\frac{436}{315}$
chant marine personnel transfer of powers of former ship-	1 555	of the United States	116
ping board55 rules and orders55	555	entry of open piratical, seizure of	314 29
vessels for domestic trade terms and conditions of construc-	575	piratical, seizure of commissioning of private vessels	507
tion aid and sale to appli-	575	for	508
words "United States Shipping Board" or "Board" as appli-	0,0	running away with or yielding up- seized, release of	$\frac{517}{529}$
cable to	599	seizure ofspeed of	338 453
United States naval vessels, lights	2 430	subject to state quaratine laws	356
United States Officers	605	towing or towed, sound signals	1, 410
application to U. S. M. C	<b>59</b> 9	unlawful taking of, out of port unseaworthy	$\frac{492}{232}$
powers and functions transferred_	554, 555	working on wrecks, lights for 40" "Vessel of the United States" de-	7, 415
Unlading, at port of entry	324	fined18-	4,518
of merchandise, passengers, and bag- gage prior to entry or report		and marbors Act applicable to	451
of arrival prohibited on Sundays, holidays, or at night	323 327	President may apply inspection	43
time for	332 595	trade with (see also Trade with	
discrimination against shippers	596	insular possessions of United States and Philippine Islands)_	274
against other carriersemployment of lobbyists	597 596	vessels arriving at, exempt from tonnage tax or light money	373
of subsidiary companies operation of foreign-flag vessels	593 593	vessels calling at, exempted pay- ment entrance and clearance	
relanding	326	fees393, 40	252
unlading or transshipment Unlicensed personnel, penalty employ-	324	"Visible" defined 393, 40	5, 419
Unlicensed personnel, penalty employment of, on merchant vessels United States	180	w	
"Unrigged vessel" defined 18:	2, 202	Wage account must be furnished by	
"Unrigged vessel" defined 18: exception to Act June 25, 1936 exempt from sec. 4, Act June 25,	201	master	$\frac{205}{3.562}$
provisions of R. S. 4551, do not	203	Wage scales 17 Wages of seamen (see also Merchant	0.915
apply	209	seamen) 200 Walrus Island, trade with Warmth and clothing of seamen	269
Unseaworthy vessels	232	Warmth and clothing of seamen	112
V		of deck officers of merchant seamen	$\begin{array}{c} 171 \\ 202 \end{array}$
"Vessel" defined 116, 48 Vessels, acquisition of		Watchmen on passenger steamers	78
admeasurement of (see also Admeasurement of vessels)	561	Water ballast defined	$\frac{29}{246}$
measurement of vessels) armed, detention of	$\frac{25}{491}$	Whaling Treaty Actapplications	$\frac{484}{485}$
foreign, augmenting force of	489	appropriations	487
at anchor or not under way, sound	492	arrests "calves" defined	$\begin{array}{c} 486 \\ 484 \end{array}$
signals for401, 41 boarding	0,423 $336$	calves or females accompanied by	484
breaking and entering, penalty for-	515	carcass, utilization of	485

Whaling Treaty Act—Continued.	Page	Witnesses-Continued.	Page
enforcement of act	485	intimidation of, before administra-	
seizure and forfeiture of vessels	485	tive tribunals	611
fees	485	officers	523
forfeiture of seized whales	486	Wrecked property, forfeitures for tak-	
licenses	485	ing to foreign ports	457
natives or Eskimos, not applicable	100	Wreckers, license to, on Florida coast-	457
	487	Wrocking	514
when permitted to engage in	401	Wrecking and salvaging treaty	456
when permitted to engage in	487	Wrecks, Canadian (see also Marine	
whaling	484	casualties and salvage)	456
"right whales" defined	404	Florida waters	457
right wholes and young of any	484	foreign waters	457
whale	404	plundering	515
hunting, etc., prohibited except	101	repaired	117
under regulations	484	sunken	452
searches and seizures	486	Wrongful acts	518
separability clause	487	Wrongidi acts	0.0
State and territorial laws	486	0	010
State and territorial laws	486 484	Y	
State and territorial laws titleviolations	486 484 486	0	119
State and territorial laws title violations fines and penalties	486 484 486 486	Y	
State and territorial laws title violations fines and penulties whales, killing for sport prohibited_	486 484 486 486 485	Y Yacht commissions	119 120 120
State and territorial laws title violations fines and penalties whales, killing for sport prohibited_ gray whales	486 484 486 486 485 485	Y Yacht commissions cruising permits to foreign	119 120 120 120
State and territorial laws title violations fines and penalties whales, killing for sport prohibited_ gray whales whaling, regulations for	486 484 486 486 485 485 484	Y Yacht commissions cruising permits to foreign insignia	119 120 120
State and territorial laws	486 484 486 486 485 485 484 484	Y Yacht commissions cruising permits to foreign insignia inspection of	119 120 120 120 48
State and territorial laws title title fines and penalties whales, killing for sport prohibited_ gray whales whaling, regulations for statistical and biological data Whaling vessels	486 484 486 486 485 485 484	Y Yacht commissions cruising permits to foreign insignia inspection of licensed, required to enter	119 120 120 120 48 121
State and territorial laws	486 484 486 486 485 485 484 484	Y Yacht commissions cruising permits to foreign insignia inspection of licensed, required to enter provisions of Act of June 25, 1936,	119 120 120 120 48
State and territorial laws	486 484 486 486 485 485 484 484 118	Y Yacht commissions cruising permits to foreign insignia inspection of licensed, required to enter provisions of Act of June 25, 1936, do not apply to	119 120 120 120 48 121
State and territorial laws	486 484 486 486 485 485 484 484	Y Yacht commissions cruising permits to foreign insignia inspection of licensed, required to enter provisions of Act of June 25, 1936,	119 120 120 120 48 121
State and territorial laws	486 486 486 485 485 484 484 203 230	Y Yacht commissions cruising permits to foreign insignia inspection of licensed, required to enter provisions of Act of June 25, 1936, do not apply to	119 120 120 120 48 121
State and territorial laws	486 484 486 486 485 484 484 118 203 230 221	Y Yacht commissions cruising permits to foreign insignia inspection of licensed, required to enter provisions of Act of June 25, 1936, do not apply to Yukon and Stickine River trade	119 120 120 120 48 121 203 260
State and territorial laws	486 486 486 485 485 484 484 203 230	Y Yacht commissions cruising permits to foreign insignia inspection of licensed, required to enter provisions of Act of June 25, 1936, do not apply to Yukon and Stickine River trade	119 120 120 120 48 121











